

In the matter of Henry Christian Bendix Roose, an Insolvent.

In the matter of Augustus Stacy Patten, an Insolvent.

In the matter of Thomas Walter Macquire, an Insolvent.

In the matter of John Michael Vaughan, an Insolvent.

In the matter of Edgar Horatio Radcliffe, an Insolvent.

Goodall, *Attorney.*

Pittar, *Attorney.*

Temple and Fenn, *Attorneys.*

Insolvent in Person.

Goodall, *Attorney.*

In the matter of Baney-madub Day, an Insolvent.

In the matter of Malchus Catehatoor Malchus, an Insolvent.

In the matter of John Brightman Vandenberg, an Insolvent.

On Saturday, the 7th day of March instant, it was ordered that the hearing of these several matters do stand adjourned until Saturday, the 18th day of April next, and that the order made in these matters for the *ad interim* protection of the said Insolvents from arrest be enlarged to the said 18th day of April next, and that the said Insolvents do then attend to be examined before the said Court.

Pearson, *Attorney.*

Mackertich, *Attorney.*

Carapiet, *Attorney.*

In the matter of Hara-dhone Chunder, *alias* Harra Chunder Dutt, an Insolvent.

Shircore and Vertannes, *Attorneys.*

In the matter of William Samuel Palmer, an Insolvent.

On Saturday, the 7th day of March instant, it was ordered that the hearing of this matter do stand adjourned until the first Court day in April 1864, and that the said Insolvent do then attend to be examined before the said Court.

Pearson, *Attorney.*

In the matter of Bhola-nauth Mulliek, an Insolvent.

On Saturday, the 7th day of March instant, it was ordered that the hearing of this matter do stand adjourned until Saturday, the 18th day of April next, and that the said Insolvent do then attend to be examined before the said Court.

Piddington, *Attorney.*

In the matter of Edwin Gwyther, an Insolvent.

On Saturday, the 7th day of March instant, it was ordered that the hearing of this matter do

stand adjourned until Saturday, the 2nd day of May next, with liberty to the said Insolvent to amend his Schedule, and that the said Insolvent do then attend to be examined before the said Court.

Sims, *Attorney.*

Chief Clerk's Office, the 10th March 1863.

### Notice.

THE Partnership heretofore existing between HERSCHELL DEAR and ALEXANDER CHRISTIAN as Railway Contractors and Timber Merchants having been dissolved by mutual consent on the 30th day of June last, the undersigned is prepared to execute orders for Timber of every description by contract.

ALEXANDER CHRISTIAN.

MONGHYR,  
The 27th October 1862.

### H. Dear & Co.,

TIMBER MERCHANTS.

THE above Firm is prepared to undertake the supply of Sleepers or Timber to Railway Companies or other parties.

For the last 11 years the Firm has successfully carried out very heavy engagements with the East Indian Railway Company, as also with the Government of India, and has still extensive Contracts with both for Timber and Sleepers.

H. DEAR & Co.

MONGHYR,  
The 27th January 1863.

### India General Steam Navigation Company "Limited."

NOTICE is hereby given, that the usual Half-yearly Ordinary General Meeting of Shareholders of the above Company will be held at the Company's Office at one o'clock on Thursday, the 12th day of March 1863.

By Order of the Directors,

W. T. SALMON,

Secy., *I. G. S. N. Co. "Limited."*

### Calcutta Steam Tug Association "Limited."

THE Half-yearly Meeting of Shareholders will be held at the Office of the Secretaries on Monday, 16th March 1863, at noon.

The Books and Accounts are open to the inspection of Shareholders.

GORDON, STUART & Co.,

*Secretaries.*

CALCUTTA,  
The 2nd March 1863.

**Notice.**

Mr. EVAN ALEXANDER JACK is authorized to sign our Firm per procuration from this date.

PLAYFAIR, DUNCAN & Co.

CALCUTTA,  
The 2nd March 1863. }

**Notice.**

Mr. JAMES BLACKBURN KNIGHT is authorized from this date to sign the Firms of W. NEWMAN AND Co., of ARLINGTON AND Co., and of HAROLD AND Co.

SAMUEL HARRADEN.

CALCUTTA,  
The 2nd March 1863. }

**Notice.**

Mr. DEMETRIUS JOSEPH ZEMIN is authorized from this date to sign the Firm of ARLINGTON AND Co.

SAMUEL HARRADEN.

CALCUTTA,  
The 2nd March 1863. }

**For Sale,**

THE Mehals of Pergunnah Rockunpore to the west of the Bhaugirruttee, situated in Zillah Moorshedabad. For particulars apply to James Cockburn, Esquire, Rampore Bauleeah, or to Jardine, Skinner and Co., Calcutta.

JARDINE, SKINNER AND Co.,  
Managing Agents of B. Watson and Co.

**NOTICE issued by the POST-MASTER GENERAL of BENGAL.**

No. 10453.

The Public are informed that experimental Post Offices have been opened at Kooshteah and Choodanga on the Eastern Bengal Railway Line.

C. K. DOVE,

Post-Master General of Bengal.

CALCUTTA,  
The 7th March 1863. }

**NOTICES issued by the POST-MASTER of CALCUTTA.**

No. 224.

The 10th March 1863.—Notice is hereby given, that the Mails for Chittagong, Akyab, Rangoon, and Moulmein, for transmission per Steamer *Rangoon*, will be closed at this Office on Sunday, the 15th instant, at 6 P. M.

Letters, &c., for Port Blair can be sent *via* Moulmein by this opportunity.

No. 225.

The 10th March 1863.—Mail Packets for the Overland Mail which leaves Bombay on the 28th March 1863 will be closed at this Office at 5 P. M. on Thursday, the 19th idem, *via* Marseilles only.

Letters and Papers for transmission *via* Bombay will be received up to 6 P. M. on every day prior to the 19th, and Inland Postage to Bombay must be prepaid in Stamps on Letters sent by this opportunity to places in Egypt and to Countries in Foreign Europe *via* Trieste.

**RATES OF POSTAGE.**

	Rs.	As.	P.
Under $\frac{1}{4}$ Ounce	...	0	6
" $\frac{1}{2}$ "	...	0	8
" $\frac{3}{4}$ "	...	0	14
" 1 "	...	1	0

No. 226.

The 10th March 1863.—The Public are informed that an Express Packet to the extent of 200 Ounces will be sent to Bombay on Friday, the 20th instant, and Letters will be received up to 6 P. M. of the same day.

Each Firm or Individual will be allowed to send Letters up to one Ounce in weight, and the Express Postage must be paid in cash at the Window at one Rupee for  $\frac{1}{4}$  of an Ounce in addition to the Steamer Postage paid by Stamps.





# The Calcutta Gazette.

SATURDAY, MARCH 14, 1863.

## Home Department.

### LEGISLATIVE.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd February 1863, and is hereby promulgated for general information:—

Act No. VIII of 1863.

*An Act for the amendment of the law relating to the confinement of Prisoners sentenced by Courts acting under the authority of Her Majesty and by certain other Courts and of Prisoners convicted of offences in Native States.*

WHEREAS it is desirable to amend the law relating to the confinement of Prisoners who have been sentenced by Courts acting under the authority of Her Majesty, or of the Government of India, or of any Local Government; and whereas it is expedient to make the same provision for the secure custody of persons convicted of participation in the offence of Suttee (burning alive) or Sumadh (burying alive) and of such other offences as the Governor-General in Council shall from time to time, by an order to be published in the Government Gazette, think fit to prescribe, within the Territories of Native Princes or States in alliance with Her Majesty as is already made in regard to persons convicted of Thuggee or Dacoity in such States; It is enacted as follows:—

I. Regulation IX of 1833 of the Bombay Code (to provide for the reception in the Jails under that Presidency of Prisoners sentenced by Courts of Justice or Tribunals acting under British superintendence other than those provided for in the existing Regulations), Act XVIII of 1843 (for the better custody of persons convicted of Thuggee and Dacoity), and Act V of 1847 (to facilitate the execution of the sentences of Courts established by the authority of the Governor-General in Council for the administration of Criminal Justice in States or Territories

administered by Officers acting under the authority of the East India Company) are hereby repealed.

II. Officers in charge of Jails within the British Territories in India shall be competent to give effect to any sentence which shall be passed by any Court or Tribunal acting under the authority of Her Majesty, or of the Government of India, or of any Local Government, although such Court be not situate in a place not subject to the General Regulations. Provided that this Section shall not apply to any Officer in charge of any Jail or House of Correction within the local limits of the ordinary original Civil jurisdiction of any Court established by Royal Charter.

III. A warrant under the official signature of an Officer of the Court or Tribunal as aforesaid shall be sufficient authority for holding any Prisoner in confinement, or for transmitting any prisoner for transportation beyond Sea in pursuance of the sentence passed upon him.

IV. It shall be lawful for the Executive Government of any part of the British Territories in India, to authorize the reception, detention, or imprisonment in any part of those Territories, for the periods specified in their respective sentences, of persons sentenced within the Territories of any Native Prince or State in alliance with Her Majesty to imprisonment or transportation for the offence of Thuggee or Dacoity, or the offence of belonging to any gang of Thugs or Dacoits, or for participation in the offence of Suttee or Sumadh, or for such other offences as the Governor-General in Council shall from time to time, by an order published in the Government Gazette, think fit to prescribe. Provided always that such sentences shall have been pronounced after trial before a Tribunal in which an Officer of Government, duly authorized in that behalf by such Prince or State, shall be one of the presiding Judges. Every Officer of Government so authorized as aforesaid shall

Proviso. shall have been pronounced after trial before a Tribunal in which an Officer of Government, duly authorized in that behalf by such Prince or State, shall be one of the presiding Judges. Every Officer of Government so authorized as aforesaid shall

forward with every Prisoner a certificate of his conviction, and a copy of the proceedings held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment or transportation may be carried into effect.

V. If any Officer in charge of a Jail shall entertain any doubt as to the legality of any warrant sent to him for execution under this Act, or as to the competency of the person or persons whose official seal and signature may be affixed thereto to pass the sentence and issue such warrant, such Officer shall refer the matter to the Government to which he is subject, by whose order on the case such Officer and all other public Officers shall be guided as to the future disposal of the Prisoner. Pending any such reference the Prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant.

VI. The provisions of the existing Acts and Regulations, and all other rules in force for the treatment and security of Prisoners confined in the said Jails, shall apply and be of equal force and effect in the case of prisoners confined therein under this Act as in the case of other Prisoners confined therein.

M. WYLIE,

*Depy. Secy. to the Govt. of India,  
Home Department.*

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd February 1863, and is hereby promulgated for general information:—

#### ACT No. IX of 1863.

*An Act to amend the Code of Civil Procedure.*

WHEREAS the Code of Civil Procedure requires that appeals from decisions or orders to the Sudder Court shall ordinarily be heard and determined by two or more Judges of the said Court; and whereas in the Territories, not subject to the General Regulations, the highest Civil Courts of appeal, which are declared by Section 386 of Act VIII of 1859, to be included in the expression "Sudder Court" in any part of the said Territories to which the said Code may be extended, generally consist of only a single Judge, and it is expedient to make provision for the powers to be exercised by such single Judge in hearing appeals from decisions and orders, or in proceedings relating to any other matter which may be brought before him; It is enacted as follows:—

I. When in any part of the British Territories in India to which the Code of Civil Procedure has been or shall be extended under the provisions of Section 385 of the said Code, the highest Civil Court of appeal consists of a single Judge, such Judge shall have all the powers vested by such Code in two or more Judges of the Sudder Court.

II. No order passed by or proceeding held before the single Judge of any such highest Civil Court of appeal, subsequent to the extension of the Code of Civil Procedure to such part of the British Territories in India, shall be deemed invalid or be liable to be questioned on the ground that such order or proceeding was passed by or held before a single Judge.

M. WYLIE,

*Depy. Secy. to the Govt. of India,  
Home Department.*

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd February 1863, and is hereby promulgated for general information:—

#### ACT No. X of 1863.

*An Act to improve the Administration of Justice in the District of Darjeeling.*

WHEREAS it is expedient to improve the Administration of Justice in the District of Darjeeling; It is enacted as follows:—

I. Every decision or order passed by the Superintendent of the District of Darjeeling in suits of the nature cognizable in Courts of Small Causes under Act XLII of 1860 (for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter) or by the Judge of any Court constituted in the said District under the said Act shall be final, and no appeal shall lie from such decision or order. Provided that it shall be competent to the Superintendent, or Judge of any such Court as aforesaid, if he shall think fit, to grant a new trial, if applied for within the period of thirty days from the date of the decision; but no new trial shall be granted unless the party applying for the same shall, with his application, deposit the amount for which judgment shall have been given against him, including the costs (if any) of the opposite party.

II. If in the trial of any suit any question of Law or usage having the force of Law, or the construction of a document affecting the merits of the decision shall arise on which the Superintendent or Judge of any Court constituted as aforesaid shall entertain reasonable doubt, the Superintendent or Judge as aforesaid may, either of his own motion, or on the application of any of the parties to the suit, draw up a statement of the case and submit it with his own opinion for the decision of the High Court.

III. The Superintendent or Judge as aforesaid may proceed in the case notwithstanding a reference to the High Court, and may pass a decree contingent upon the opinion of the High Court on the point referred; but no execution shall be issued in any case in which a reference shall be made to



the High Court until the receipt of the order of that Court.

IV. Cases referred for the opinion of the High Court shall be dealt with by two or more Judges of that Court.

V. The High Court shall fix an early day for the hearing of the case, and shall notify the same by a proclamation to be fixed up in the Court House of that Court.

VI. The parties to the case may appear and be heard in the High Court in person or by pleader.

VII. The High Court, when it has heard and considered the case, shall transmit a copy of its judgment, under the seal of the Court and the signature of the Registrar, to the Superintendent or Judge as aforesaid, and the Superintendent or Judge as aforesaid shall, on the receipt thereof, proceed to dispose of the case conformably to the decision of the High Court.

VIII. Costs, if any, consequent on the reference of a case for the opinion of the High Court shall be costs in the suit.

IX. In all suits other than those mentioned in Section I of this Act, in which the amount or value of the suit shall not exceed Rupees 5,000, an appeal from the decision of the Superintendent, or of any other Court which is or hereafter may be established in the said District of Darjeeling shall lie to the Judge of Dinagepore, subject to the rules contained in the Code of Civil Procedure regarding regular appeals.

X. A special appeal shall lie to the High Court of Judicature at Fort William from all decisions passed in regular appeal by such Judge, on the ground of the decision being contrary to some Law or usage having the force of Law, or of a substantial error or defect in Law in the Procedure or investigation of the case, which may have produced error or defect in the decision of the case upon the merits, and upon no other ground, and such special appeal shall be subject to the rules contained in the Code of Civil Procedure regarding special appeals.

XI. In all suits heard and determined by the Superintendent, or by any other Court which is or hereafter may be established in the said District of Darjeeling in which the amount or value of the suit shall exceed Rupees 5,000, an appeal shall lie to the said High Court, subject to the rules contained in the Code of Civil Procedure regarding regular appeals.

XII. When a commitment in a case triable under the Code of Criminal Procedure by a Court of Sessions is made by the said Superintendent or by any other officer in such District competent to make commitments to the Court of Sessions, such

commitment shall be made to the Sessions Judge of Dinagepore, and shall be heard and determined by him.

XIII. Appeals from sentences and orders passed by the said Superintendent or by any Officer subordinate to him from which an appeal is allowed under the Code of Criminal Procedure shall lie to the Sessions Judge of Dinagepore, and shall be heard and determined by him.

XIV. The High Court of Judicature at Fort William in Bengal shall exercise the same jurisdiction, appellate or otherwise in respect of any sentence or order passed by such Sessions Judge under this Act, which the said High Court may exercise in respect of any other sentence or order passed by such Judge.

M. WYLIE,

Depy. Secy. to the Govt. of India,

Home Department.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 25th February 1863, and is hereby promulgated for general information :—

#### ACT No. XI OF 1863.

*An Act to consolidate and amend the law relating to the employment and remuneration of Peons for the service and execution of Civil process.*

WHEREAS it is expedient to consolidate and amend the law relating to the employment and remuneration of Peons for the service and execution of Civil process in the Courts of the North-Western Provinces of the Presidency of Fort William in Bengal and in other parts of the British Territories in India, to which this Act shall be extended as hereinafter provided; It is enacted as follows :—

I. From and after the passing of this Act, Section XIV of Regulation XXVI. 1814 of the Bengal Code (for modifying some of the Rules at present in force regarding the admission and trial of special and summary appeals from decisions passed in regular suits; for limiting and altering some of the existing provisions respecting the pleadings and processes, and the mode of executing decrees and regular suits and appeals; and for explaining and making certain additions to the provisions of Regulation I. 1814), Section V of Regulation VII. 1832 of the said Code (for modifying certain of the provisions of Regulation V. 1831, and for providing supplementary Rules to that enactment), and Act XIV of 1845 (to provide for the appointment of Nazirs in the Moonsiff's Courts, shall cease to have effect in the North-Western Provinces of the Presidency of Fort William in Bengal.

II. Subject to the approval of the Sudder Court the Judges of the several Zillah Courts in the said North-Western Provinces shall fix the number of Peons necessary to be employed in the said Zillah Courts and in the several Courts subordinate to them for the service

and execution of processes issued out of such Courts, respectively, and the Judges of the Courts of Small Causes in the said Provinces shall in like manner fix the number of Peons necessary to be employed in the said Small Cause Courts for the service and execution of processes issued out of such Courts. Subject to the like approval the said Judges may from time to time alter the number of Peons to be so employed.

III. The appointment of Peons in the several Courts mentioned in the last preceding Section shall be made, subject to the approval of the Judge of the Court, by the Nazir of the Court in which the Peons are employed, or by the Clerk of the Court where there is such an Officer; and every such appointment shall be registered in the Court with the following particulars: the name of the Peon, his age, his place of abode, his father's name, and date of appointment.

IV. No person who shall not be appointed and registered as a Peon in the manner hereinbefore provided shall be employed in the service or execution of the process of any Court without the special leave of such Court.

V. The Peons who are appointed and registered in the manner above prescribed, shall be furnished at the expense of the State with a uniform belt and plate, on which shall be inscribed the Court to which the Peon belongs and the number of the Peon in the Register.

VI. The Peons appointed and registered under this Act shall either receive fixed salaries, or be remunerated by fees for the service of the processes served or executed by them, as the local Government shall direct. The amount of salary shall be fixed by the local Government.

VII. When the Peons appointed under this Act are remunerated by a fixed salary, the money paid under this Act for the service or execution of processes shall be carried to the credit of Government, and shall be formed into a fund out of which the salaries of such Peons shall be paid. Any surplus that may accrue from such fund, after paying the salaries of the Peons, shall be at the disposal of the local Government, and may be applied by such Government, subject to the approval of the Governor-General in Council, to the improvement of the administration of Civil Justice in the North-Western Provinces.

VIII. A regular account of all moneys received into and paid out of Court under this Act shall be kept, and extracts from this account shall be forwarded to the local Government at such times, and in such form as such Government shall direct.

IX. Every process served or executed under this Act shall be held to be a process within the meaning of Section 188 of the Code of Civil Procedure and Section II of Act XXIII of 1861 (to amend Act VIII of 1859 for simplifying

the procedure of the Courts of Civil Judicature not established by Royal Charter.)

X. The Sudder Court shall make rules prescribing the cost of serving and executing processes issued by the said Court, and by the Courts subordinate to such Court, as well as by the Courts of Small Causes, established within the local limits of the jurisdiction of such Sudder Court, and for levying the same, and also rules for the remuneration of the Peons appointed and registered under this Act who are not paid by fixed salaries, and of all other persons who may be employed in the service or execution of processes by leave of a Court under the 4th Section of this Act, and also such other rules as the Sudder Court shall deem necessary, and shall not be inconsistent with the provisions of this Act, for carrying out the provisions of this Act. The rules made under this Section, after being confirmed by the local Government, shall have the force of law. Subject to the same confirmation the Sudder Court may from time to time vary the rules made under the authority of this Section. The rules made and confirmed under this Section, and a table of costs for serving and executing processes, shall be exposed to public view in every Court for which Peons are appointed and registered under this Act.

XI. The Governor-General of India in Council shall have power by an order to be published in the Calcutta Gazette to extend the provisions of this Act to any part of the Territories under the immediate administration of the Governor-General in Council; and the Lieutenant-Governor of the Punjab shall have power by an order to be published in the Official Gazette to extend the provisions of this Act to any part of the Territory under his Government.

XII. The term "Judge" in this Act shall denote the Presiding Judicial Officer in every Court of Civil Judicature by whatever title he shall be designated. And in any place not subject to the General Regulations to which the provisions of this Act extend, or shall hereafter be extended as provided in the last preceding Section, the Judges of the Principal Courts of original Civil Jurisdiction in such place shall be the Judges to fix the number of Peons necessary to be employed in such Courts and in any Courts subordinate to such Courts as provided in Section II of this Act, and subject to the approval therein mentioned.

XIII. When this Act shall be extended to any place under Section XI of this Act the term "Sudder Court" as used in this Act shall be taken to mean the Highest Civil Court of Appeal established in the place to which this Act shall be so extended.

M. WYLIE,

Depy. Secy. to the Govt. of India,  
Home Department.



THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 25th February 1863, and is hereby promulgated for general information :—

ACT No. XII of 1863.

*An Act to bring the Pergunnahs of Mahoba and Jeitpore, in the District of Humeerpore, under the operation of the General Regulations.*

WHEREAS the District of Humeerpore in Bundelkhand is, with the exception of the Pergunnahs of Mahoba and Jeitpore, subject to the General Regulations, and whereas it is expedient that the said Pergunnahs should, for the sake of uniformity and public convenience, be administered on the same system as prevails in the rest of the District; It is enacted as follows :—

I. The Laws and Regulations established for the internal administration of the District of Humeerpore shall have full force and effect in the Pergunnahs of Mahoba and Jeitpore, and the administration of Civil and Criminal Justice, and the superintendence of the settlement and realization of the public revenue, and of all matters relating to rent in the said Pergunnahs, are hereby vested in the Officers who are, or may hereafter be, appointed by the Lieutenant-Governor of the North-Western Provinces for the said District of Humeerpore.

II. All suits and proceedings arising in the said Pergunnahs which, at the time of the passing of this Act, shall be pending in any Court, or before any Officer, shall be heard and determined in the same manner as if the said Pergunnahs had not been brought under the operation of the General Regulations.

III. Any suit which, before the passing of this Act, had been determined, and which has been or shall be remanded by any Appellate Court, shall be tried before the Court which, for the time being, would be competent to try such a suit if instituted after the passing of this Act.

IV. All appeals or proceedings now pending in the Court of the Commissioner of Jhansi shall be determined by such Commissioner in the same manner as if this Act had not been passed; and all applications for execution of decrees or orders which, but for the passing of this Act, would have been made to any Court or Officer existing at the time of the passing of this Act shall be made to the Court or Officer that would have had jurisdiction in respect of the matter in dispute, had the suit or proceeding been instituted after the passing of this Act.

V. All appeals from decrees or orders passed before the passing of this Act shall be received, heard and determined by the Court or Officer who would have had jurisdiction over such appeals, had the decrees or orders to which they relate been passed after the passing of this Act.

VI. This Act shall take effect from such date as the Lieutenant-Governor of the North-Western Provinces shall fix by an order to be published in the Official Gazette.

M. WYLIE,

*Depty. Secy. to the Govt. of India,  
Home Department.*

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 25th February 1863, and is hereby promulgated for general information :—

ACT No. XIII of 1863.

*An Act to empower Judges of the High Court and other Authorities at Bombay to direct Convicts to be imprisoned either in the House of Correction or the Common Jail.*

WHEREAS great inconvenience is occasioned in the administration of Criminal Justice by reason of the House of Correction in the Town of Bombay not having sufficient accommodation to contain all the prisoners from time to time sentenced to be there confined for divers offences, and it is desirable that the Judges of Her Majesty's High Court at Bombay, and the Justices of the Peace and Magistrates of Police in the Town and Island of Bombay should be empowered to send prisoners to the Common Jail in the Town of Bombay as well as to the House of Correction; It is enacted as follows :—

1. Whenever, from and after the passing of this Act, any person shall be sentenced by Her Majesty's High Court of Judicature at Bombay to rigorous imprisonment, or to imprisonment with hard labor or solitary confinement, it shall be lawful for the Judges or Judge of the said Court of Judicature to direct such person to be imprisoned either in the House of Correction whether such House of Correction be under the control of the Sheriff or not, or in the Common Jail in Bombay, as to them or him shall seem fit.

II. Whenever, from and after the passing of this Act, any person shall be sentenced by the High Court at Bombay to transportation, or penal servitude, such person may at the discretion of the Judges or Judge of the said Court, be kept in the House of Correction, whether such House of Correction be under the control of the Sheriff or not, or in the Common Jail in Bombay, as the place of intermediate custody.

III. Whenever, from and after the passing of this Act, any person shall be sentenced by a Justice of the Peace or Magistrate of Police in the Town and Island of Bombay to rigorous imprisonment, or imprisonment with hard labor, the person so sentenced may be committed by such Justice of the Peace or Police Magistrate

either to the House of Correction, whether such House of Correction be under the control of the Sheriff or not, or to the Common Jail in Bombay, as to such Justice of the Peace or Magistrate shall seem fit.

M. WYLIE,

Depy. Secy. to the Govt. of India,

Home Department.

THE following Bill, as amended by a Select Committee of the Council of the Governor-General for the purpose of making Laws and Regulations, is published for general information :—

*A Bill to provide for the Registration of Assurances.*

WHEREAS it is expedient to consolidate and amend the laws relating to the Registration of Assurances ;  
Preamble.  
It is enacted as follows :—

REPEAL OF REGULATIONS AND ACTS.

I. Regulation XXXVI. 1793 (for establishing a Registry for Wills and Deeds, Laws repealed. for the transfer or mortgage of real property), Regulation XXVIII. 1795 (for extending to the Province of Benares, Regulation XXXVI. 1793, entitled "A Regulation for establishing a Registry for Wills and Deeds for the transfer or mortgage of real property"), Regulation XVII. 1803 (for establishing a Registry for Wills and Deeds for the transfer or mortgage of real property in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company), Section XVII Regulation VIII. 1805 (for extending to the conquered Provinces situated within the Hoab and on the right Bank of the River Jumna, and to the territory ceded to the Honorable the English East India Company in Bundelcund by the Peishwa, such of the Laws and Regulations established for the internal Government of the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company, as have not been already extended to those territories, and for revising and amending certain parts of the said Laws and Regulations), so far as it relates to Regulation XVII. 1803, Section XXXII Regulation XII. 1805 (for the settlement and collection of the Public Revenue in the Zillah of Cutlack, including the Pergunnahs of Putespore, Kummardichour, and Bograc, at present included in the Zillah of Midnapore), Regulation XX. 1812 (for modifying some of the provisions contained in the existing Regulations respecting the Registry of Deeds and for establishing a Register of engagements for the delivery of Indigo), and Regulation IV. 1824 (to provide more effectually for the Office of Register of Deeds), of the Bengal Code ; Regulation XVII. 1802 (for establishing a Registry for Wills and Deeds for the transfer or mortgage of real property), and Regulation XI. 1831 (to provide more effectually for the Office of Register of Deeds), of the Madras Code ; and Regulation IX. 1827, (for establishing a Register of Title Deeds and a General Register of Deeds, Obligations, and other Writings, in each Zillah subordinate to the Presidency of Bombay), of the Bombay Code, and Regulation XIII. 1828 (for enabling Assistant Judges when

expedient to keep the Registers prescribed by Regulation II of 1827 when stationed in the Districts) of the Bombay Code, and Act XXX of 1838, Act I of 1843, (for amending the law concerning the Registration of written conveyances and other instruments affecting titles and other interests to land), Act XIX of 1843 (for amending the law respecting the Registration of certain Deeds), Act IV of 1845 (to amend the law regarding the Registration of Deeds), Act XVIII of 1847 (for curing the invalidity in the Registration of Deeds arising from the fact of having been registered by persons not duly appointed or on other than Court days), and Act XI of 1851 (for the custody of Registers of Deeds in the Presidency of Bengal), shall cease to have effect in any part of the British Territories in India from and after the date on which this Act shall come into operation, except in so far as such Regulations or Acts rescind other Regulations or Acts, and except as regards Instruments registered before the date on which this Act shall come into operation, under any of the said Regulations or Acts then in force ; and from and after such date, in the territories not subject to the General Regulations, all Rules and Regulations relating to the Registration of Instruments in force in such territories at such date shall cease to have effect, except as regards Instruments registered in such territories before such date under any of such Rules or Regulations.

DEFINITIONS.

II. In the construction of this Act, unless Interpretation. the contrary appear from the context, the words "Local Government" shall denote the person or persons authorized by law to administer the Executive Government in any part of British India ; the words "District Registrar" shall include the Registrar of every Presidency Town ; the words "year" and "month" shall "Year" and denote a year or month respectively by the British Calendar ; "month." and words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number ; words importing the masculine gender shall include females.

III. It shall be lawful for the Governor-General of India in Council, by an order to be published in the Calcutta Gazette, to declare that in any territory under the immediate administration of the Governor-General in Council, the Head Executive Officer of such territory shall exercise the powers vested by this Act in the local Government, and thereupon such Officer shall, for the purposes of this Act, be the local Government of such territories as defined in this Act.

REGISTRATION ESTABLISHMENT.

IV. The local Government of every Presidency and place shall establish, within the territories subject to such Government at such place as to it shall seem fit, an Office to be called the General Register Office, and may appoint an Officer to



the charge of such Office, who shall be called the Registrar-General of the Presidency or place for which he is appointed. Provided that the local Government may declare and constitute the Board of Revenue, where there is a Board of Revenue, or any other Public Office to be such General Register Office, and all the provisions of this Act which apply to such Registrar-General shall apply to such Board or other Office so declared and constituted.

V. For the purposes of this Act, the local Government shall form Districts and Divisions, and shall prescribe, and from time to time may alter the limits of the Districts or divisions of Districts so formed.

VI. The local Government shall establish, in every District formed as aforesaid, an Office to be styled the District Register Office, and also such number of Divisional Register Offices as, in the judgment of the local Government, may be necessary for the purposes of this Act. A Register Office shall also be established in the several Presidency Towns of Calcutta, Madras, and Bombay, for the registration of Instruments under this Act.

VII. The Judge of the principal Court of Original Civil jurisdiction shall be the District Registrar of the District in which such Court may have jurisdiction. Provided that in the Presidency of

Bombay the local Government may appoint the Assistant Judge in any District to be District Registrar of such

District. Such of the Judges of the subordinate Courts, and of the Judges of the Courts of Small Causes, as the local Government may select, shall be Deputy Registrars of such Districts and Divisions formed as aforesaid. The local Government may appoint such other Public Officers as it may think proper to be Deputy Registrars of such Divisions. In each of the Presidency Towns aforesaid the local Government shall appoint an Officer to be called the Registrar of such Town.

It shall also be lawful for the local Government to appoint any other persons, not being Public Officers, to be Deputy Registrars of such Divisions.

VIII. The local Government shall appoint one or more Deputy Registrars to every one or more of the Divisions formed as aforesaid as to such local Government shall seem fit.

IX. In case of the absence of any Deputy Registrar, or of a vacancy occurring in the Office of any Deputy Registrar, it shall be lawful for the District Registrar to appoint any person whom he may think proper to take temporary charge of the Office of such Deputy Registrar, and to register Instruments in the same manner as if such person had been appointed to the Office by the local Government. In case of the absence of any District Registrar, or of a vacancy occurring in the office of any District Registrar, the Officer whose duty it is to carry on the judicial functions of the Officer who by this Act is District Registrar shall, during such absence or vacancy, be the District Registrar.

X. It shall be lawful for the local Government, with the sanction of the Governor-General of India in Council, to assign such salaries as from time to time such local Government may deem proper, to the Registrar-General and Deputy Registrars appointed under this Act, or to provide for the remuneration by fees of such Deputy Registrars as shall not be Public Officers. It shall also be lawful for the local Government, with the like sanction, to allow such Establishments for the General Register Office and for the Offices of the several District and Deputy Registrars as may be necessary for the purposes of this Act.

#### GENERAL RULES.

XI. Every Deputy Registrar shall perform the duties of his Office under the superintendence and control of the District Registrar in whose District the Office of such Deputy Registrar shall be situate, and the District Registrars shall have authority to issue (whether on complaint or otherwise) any orders they may consider necessary in respect of any proceeding or omission of any Deputy Registrar subordinate to them. Provided that no order of a Deputy Registrar admitting or refusing to admit to registration any Instrument shall be reversed or altered, except on appeal to be presented within thirty days from the date of such order.

XII. If any Instrument tendered for registration be in a language which the Deputy Registrar does not understand, such Instrument shall be referred by him to the District Registrar.

XIII. The Registrar General shall exercise a general superintendence over all the Register Offices within his jurisdiction, and such Registrar-General shall have the power, for any sufficient reason, on the application of any party to any Instrument the registration of which has been refused by a District Registrar, either originally or on appeal from a Deputy Registrar, to order the same to be registered.

XIV. The Registrar-General shall, for the guidance of the District and Deputy Registrars, have power from time to time to frame rules not inconsistent with the terms of this Act. The Rules so framed shall be submitted to the local Government, and after they shall have been approved by the local Government, they shall be published in the Official Gazette, and shall have the same force as if they were inserted in this Act.

XV. The registration of all Instruments under this Act shall be made only at the Public Office or Court of the Officer whose duty it shall be to register the same. Provided that any District Registrar or any Deputy Registrar with the sanction of the District Registrar may, on special cause being shown, attend at the place of residence of any party to any Instrument, or of any person desiring to deposit a Will, Codicil, or authority to adopt a son.

XVI. The General Registrar and the several District and Deputy Registrars shall use a Seal bearing the following inscription in English, and in such other language as the local Government shall direct: "The Seal of the Registrar-General" (or of the Registrar or Deputy Registrar of J.).

XVII. The local Government shall provide for the Office of every District and Deputy Registrar such Registry Books as may be necessary for the purposes of this Act. The books so provided shall contain such printed forms as shall from time to time be prescribed by the Registrar-General with the sanction of the local Government for the entries to be made therein, and for the indices to such books, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title page by the Officer by whom such books shall be supplied. The local Government shall further supply the Office of every District Registrar with a fire-proof box to be used as hereinafter provided.

#### INSTRUMENTS TO BE REGISTERED.

XVIII. No Instrument being a deed of gift of any immovable property shall (except as provided in Section LXV of this Act) be received in evidence in any Court of Justice, or shall be acted on by any Public Officer, if such Instrument shall have been executed after the date on which this Act shall come into operation, unless the same be registered within the time prescribed by this Act.

XIX. No Instrument other than a deed of gift as provided in the last preceding Section, which purports or operates to create, declare, transfer, or extinguish any right, title, or interest of the value of one hundred Rupees or upwards in any immovable property (except as provided in Section LXV of this Act, and not being a lease for a period not exceeding one year), and no Instrument which acknowledges the receipt or payment of any consideration on account of the creation, declaration, transfer, or extinction of any right, title, or interest of such value as aforesaid, shall be received in evidence in any Civil proceeding in any Court of Justice, or shall be acted on by any Public Officer, unless the same be registered within the time prescribed by this Act, if such Instrument shall have been executed after the date on which this Act shall come into operation.

XX. For the purposes of this Act, the value of the right, title, or interest in any immovable property created, declared, transferred, or extinguished by any Instrument required to be registered under the last preceding Section, shall be taken to be the value indicated by the stamp affixed thereto or impressed thereon under Act X of 1862, (so consolidated and amended the law relating to Stamp Duties), or under any other Act for the time being in force for regulating the Stamp Duties.

XXI. From and after the date on which this Act shall come into operation, any of the following Instruments executed after the said date may be registered under this Act:—

1. Any Instrument which purports or operates to create, declare, transfer, or extinguish any right, title, or interest of value (indicated as provided in the last preceding Section) less than one hundred Rupees in any immovable property.
2. Any Instrument which acknowledges the receipt or payment of any consideration on account of the creation, declaration, transfer, or extinction of any right, title, or interest, of such value as aforesaid, in any such immovable property.
3. Any lease for a period not exceeding one year.

XXII. After the date on which this Act shall come into operation any of the following Instruments, executed after the said date, may be registered under this Act.

1. Any Instrument which purports or operates to create, declare, transfer, or extinguish any right, title, or interest in any moveable property.
2. Any Will, Codicil, or Authority to adopt a son.
3. Any private award of arbitration.
4. Any Deed, Bond, Contract or other Obligation.

#### TIME OF REGISTRATION.

XXIII. No Instrument of the descriptions mentioned in Section XVIII or Section XIX of this Act, which shall have been executed after the date on which this Act shall come into operation, shall be accepted for registration unless presented for that purpose to the proper Officer within three months from the date of the execution thereof.

XXIV. No Instrument of the descriptions mentioned in Section XXI or Section XXII of this Act, (other than a Will, Codicil to a Will, or Authority to adopt a son) which shall have been executed before the date on which this Act shall come into operation, shall be accepted for registration unless such Instrument be presented for registration within twelve months from such date.

XXV. No Instrument of any of the descriptions mentioned in Section XXI or Section XXII of this Act (other than a Will, Codicil to a Will, or Authority to adopt a son) which shall be executed after the date when this Act shall come into operation, shall be accepted for registration unless presented within six weeks from the date of the execution thereof.

XXVI. Any Will, Codicil to a Will, or Authority to adopt a son may at any time be registered in the manner hereinafter provided, by the person making such Will or Codicil, or giving such authority.

#### PLACE OF REGISTRATION.

XXVII. Every Instrument which purports or operates to create, declare, transfer, or extinguish any right, title, or interest in any immovable property, and any Instrument acknow-



ledging the receipt or payment of any consideration on account of the creation, declaration, transfer, or extinction of any right, title, or interest in any immoveable property, or any lease, shall be presented for registration in the Office of the Deputy Registrar within whose Division the property is situate. Every Instrument mentioned in Section XXII of this Act (not being a Will, Codicil to a Will, or Authority to adopt a son) shall be presented for registration in the Office of the Deputy Registrar within whose jurisdiction such Instrument is executed, or at any Registry Office, under the same local Government, at which all the parties to any such Instrument shall desire the same to be registered.

**XXVIII.** Every Instrument affecting immoveable property, the whole of which is not situate in one Division of a District, may be presented for registration to any Deputy Registrar in such District, within whose Division any part of such property is situate. It shall be the duty of such Deputy Registrar, after registering the Instrument forthwith, to make and forward a copy thereof endorsed in the manner herein-after provided to the District Registrar, who shall register the same and forward an abstract of such Instrument, shewing the parties thereto and the date and substance thereof, to every Deputy Registrar in his District in whose Division any part of such property is situate, other than the Deputy Registrar in whose Office the same shall have been originally registered, and every Deputy Registrar who shall receive such abstract shall forthwith register the same.

**XXIX.** Every Instrument affecting immoveable property, situate in more than one District, may be presented for registration to the District Registrar of any such District. It shall be the duty of the District Registrar in whose Office such Instrument is originally registered to cause to be made, and to forward to the District Registrar of every other District in which any other part of such property is situate, a copy of such Instrument, endorsed with an attestation, stating the date on which it was registered, and its number in his Register Book; and the District Registrar of any District receiving such copy so forwarded and endorsed, shall register the same as if it had been presented to him in the first instance, and shall forward a copy endorsed with such attestation as aforesaid to the Deputy Registrar of each Division of his District in which any part of such property may be situate, and such Deputy Registrar shall register the same in the manner prescribed for Instruments presented to him in the first instance.

**XXX.** Every Instrument to be registered under this Act, not being a Will, Codicil to a Will, or an Authority to adopt a son, shall be presented at the Office of the Deputy or District Registrar in which such Instrument is to be registered, by all the parties thereto, or by the heirs, representatives, or assigns of such parties, or by the authorized Agents of such parties, or of their heirs, representatives, or assigns under a power of Attorney special or general. But no such power of Attorney shall be

recognized for the purposes of this Act unless it shall have been delivered personally by the person executing the same to such Deputy or District Registrar. Provided that, where a person who shall have executed a power of Attorney is unable to attend personally, and such power is tendered to a District Registrar, such Registrar shall determine whether he will receive the same. If such power be tendered to a Deputy Registrar such Deputy Registrar shall only receive the same with the sanction of the District Registrar.

#### MODE OF REGISTRATION.

**XXXI.** On the parties to any Instrument, their heirs, administrators, or assigns, or the authorized Agents of such parties, as provided by the last preceding Section appearing before the Deputy or District Registrar for the purpose of obtaining the registration of such Instrument, he shall proceed to enquire whether such Instrument was executed or not by all the parties thereto. If all the parties to the Instrument appear personally before the Deputy or District Registrar, and are personally known to him, or in case they are not personally known to him, if they satisfy him that they are the parties they represent themselves to be, and if they all admit the execution of the Instrument, or in the case of any party appearing by authorized Agent, if such Agent shall admit the execution of the Instrument, the Deputy or District Registrar shall register the same in the manner hereinafter provided. It shall be the duty of the District or Deputy Registrar to satisfy himself of the right of any person to appear as the heir, administrator, or assign of any party whom he shall claim to represent, or if any party shall appear by Agent, of the authority of such Agent. The Deputy or District Registrar shall enter in the Register Book the names in full of all the persons whose evidence he may take to prove such identity, right, or authority.

**XXXII.** If any party to an Instrument shall require assistance to procure the attendance of any person whose testimony is necessary for the registration of such Instrument by a Deputy Registrar, such Deputy Registrar shall have power, if he be satisfied that such assistance is necessary, and if such person shall be within the Division of such Deputy Registrar, to issue a summons requiring such person to attend at the Office of such Deputy Registrar at a time to be named in such summons. If the person whose attendance is required is not in such Division, the party to the Instrument shall apply to the District Registrar, who, if he be satisfied that his assistance is required, shall issue a like summons for attendance at the Office of such Deputy Registrar. If the Instrument be presented for registration to a District Registrar he shall have the like powers of summoning persons to appear at his own Office, which are herein provided in respect of persons whose attendance is required at the Office of a Deputy Registrar. The provisions of the Regulations and Acts for procuring the attendance of witnesses,

for the examination, remuneration, and punishment of witnesses in suits before Civil Courts shall be of equal force and effect in respect of persons summoned to appear by a summons from a Deputy or a District Registrar under this Section.

XXXIII. No Instrument shall be accepted for registration, if any interlineation, erasure, or alteration shall appear on such Instrument, unless the parties appearing to register the same shall attest with their signatures such interlineation, erasure, or alteration; and it shall be the duty of the District or Deputy Registrar, at the time of registering such Instrument, to make a note in the Register, of such interlineation, erasure, or alteration.

XXXIV. The date and time on which every Instrument shall be presented for registration shall be endorsed on such Instrument at the time of presentation, and such endorsement shall be attested by the Deputy or District Registrar in whose Office such Instrument is presented for registration, and if such Instrument shall be admitted to registration, it shall be held to have been registered from the date and time so endorsed.

XXXV. Every Instrument admitted to registration shall be entered in its appropriate book according to the order of its presentation, and shall be numbered accordingly. The entry made in the Register shall shew the year, month, day, and hour of presentment, the character of the Instrument presented for registration, the names in full of the parties to the Instrument, and when the Instrument shall have been presented by the Agent, or by the heir, representative, or assign of any party, the name of such Agent, heir, representative or assign, and the names in full of every person whose evidence may have been taken under Section XXXII of this Act, after which the Instrument shall be entered in full. The entry made as is above prescribed, shall be signed by every party to the Instrument, or by his Agent, heir, representative, or assign, and by the District or Deputy Registrar.

XXXVI. The Instrument shall then be returned to the party who may have presented the same for registration, with an endorsement inscribed thereon, shewing the date of registration, the number of the book in which such registry shall have been made, and the page of the book on which such entry shall appear; and if the Instrument be a Bond or other written obligation for the payment of money, and the party liable to make such payment shall, in the presence of the District or Deputy Registrar, have declared his assent to the same being enforced without a regular suit, such assent shall in like manner be endorsed on such Instrument. The endorsement on the Instrument shall be certified by the seal and signature of the District or Deputy Registrar, and the Instrument thus endorsed shall be *prima facie* proof, on the production thereof in any Court of Justice, that such Instrument has been duly registered in the manner provided in this Act. Provided that it shall be competent to the Court to require evidence of

such registration, if it shall see sufficient cause for doing so.

XXXVII. An abstract of every original Instrument affecting immoveable property registered in the Office of any Deputy Registrar shall, within three days, be forwarded, with an endorsement attesting the date on which it was registered and its number on the Register Book of such Registrar, to the District Registrar, and an abstract of every such Instrument registered in the Office of any District Registrar, whether originally or by transmission from the Office of a Deputy Registrar, shall from time to time, not less frequently than weekly, be forwarded, with an endorsement attesting the date on which it was registered and its number in the Register Book of such District Registrar, to the General Register Office.

XXXVIII. For every abstract required to be forwarded under the last preceding Section, and for every abstract or copy required under Sections XXVIII and XXIX of this Act, the same fee shall be paid as for the registration of the original Instrument.

XXXIX. On the receipt, in the General Register Office, of any abstract of any entry made in any Register by any District Registrar, the same shall be entered in the Book No. 1, 2, 3, or 4, described in Section LVI of this Act, as the case may be.

#### DECREES AFFECTING REGISTERED INSTRUMENTS.

XL. When any Civil Court, in the exercise of its original or appellate jurisdiction shall, by a decree or order, declare any Instrument to be invalid or before it relating to immoveable property, which shall have been registered under this Act, to be invalid or a forgery, or when such Court, in the exercise of such jurisdiction, shall pass any decree or order affecting any Instrument before it relating to immoveable property which shall have been registered under this Act, which decree, or order shall create, declare, transfer, limit, or extinguish any right, title or interest under any such Instrument of any person in such immoveable property, such Court shall cause a memorandum of such decree or order to be sent to the District or Deputy Registrar in whose District or Division such Instrument shall have been originally registered.

XLI. Whenever any memorandum is received under the last preceding Section by any District or Deputy Registrar, a transcript thereof shall immediately be made in the margin of that part of the book in which there is any register of the Instrument relating to the immoveable property affected by such memorandum, and such District or Deputy Registrar shall forthwith transmit a copy of such memorandum to the Registrar General, and to every District and Deputy Registrar in whose Office such Instrument or any abstract of such Instrument is registered.



ENFORCEMENT OF REGISTERED BONDS AND OTHER INSTRUMENTS.

**XLII.** A Bond or other written obligation for the payment of money not exceeding the sum of one hundred Rupees, which shall have been registered under the provisions of this Act, may be enforced without a regular suit as hereinafter provided. A Bond or other written obligation for the payment of money exceeding the sum of one hundred Rupees which shall have been registered under the provisions of this Act may in like manner be enforced. Provided the parties to such Bond or other obligation as aforesaid shall, at the time of the registration thereof, have signified their assent to such Bond or other obligation as aforesaid being so enforced, and provided that such assent shall have been recorded at the foot of the memorandum of registration, required by Section XXXVI to be endorsed on Instruments registered under this Act.

**Proviso.**

**XLIII.** No Bond or other obligation as aforesaid shall be enforced under the provisions of the last preceding Section unless application for enforcement of the same be made within twelve months from the date on which the whole amount secured thereby became payable, and was not paid.

But application for enforcement must be made within a period fixed.

**XLIV.** Any person who is desirous of enforcing a claim on a Bond or other obligation as aforesaid under Section XLII of this Act, may apply to any Court which would have had jurisdiction to try a regular suit on such Bond or other obligation as aforesaid, for enforcement of the same. Such application shall be treated as an application for the execution of a decree, and the provisions contained in Chapter IV of the Code of Civil Procedure (except Section 206) relating to execution of decrees shall, subject to the provisions hereinafter contained, be considered applicable thereto so far as the same can be applied.

Court to which application may be made for enforcing claims under last Section.

**XLV.** The Court to which such application is made shall cause a notice to be served on the person against whom the enforcement is claimed, calling on him to shew cause, within a time to be fixed by the Court, why execution for the amount stated in the application should not be issued against him.

Procedure of Court on receipt of application.

**XLVI.** If the person making the application shall satisfy the Court, that the party against whom the claim is made is about to leave the jurisdiction of the Court, or to dispose of or remove his property from the jurisdiction of the Court, in order to evade payment of the money claimed to be due by him, the Court may issue process of attachment against the person or property of such party. Whenever such attachment shall issue, the provisions contained in the Code of Civil Procedure relating to arrest and attachment before judgment shall be applicable.

Procedure in case of alleged debtor being about to quit jurisdiction, or to move property therefrom.

**XLVII.** If the person against whom execution is claimed shall attend within the time specified in the notice, and shew cause why execution should not be issued against him, the Court shall enquire into his objections, and shall pass such order as it shall think proper. Provided that no person shall in any such case be allowed to plead in bar of such execution, any plea other than that he was no party to the registration of the Bond or other obligation as aforesaid, or that such Bond or other obligation as aforesaid has been paid and satisfied, or that the amount claimed exceeds that which is remaining due on the Bond or other obligation as aforesaid, whether for principal or interest; or a denial of the representative character in respect of which execution is claimed against him.

And in case of his appearing, and shewing cause against issue of execution.

**XLVIII.** The Court to which application is made for enforcement of a Bond or other obligation as aforesaid under the foregoing Sections may, for any sufficient reason, instead of granting such application, order that a suit shall be brought on such Bond or other obligation as aforesaid.

Court may at discretion direct institution of suit, instead of enforcing Bond, &c., under this Act.

**XLIX.** No suit between the same parties shall be entertained on any Bond or other obligation as aforesaid, the enforcement of which shall have been refused by the Court, on an application for enforcement made under Section XLIV of this Act, otherwise than as barred by lapse of time, unless the Court shall have directed a suit to be brought thereon; but all orders passed by the Court for issuing execution or refusing to issue execution on any Bond or other obligation as aforesaid, shall be open to appeal to the Court competent to hear appeals from decisions passed by the same Court in regular suits. Such appeal shall be subject to the provisions of the Code of Civil Procedure relating to appeals from orders, and shall be heard and determined under the rules of the said Code relating to such appeals.

**L.** Nothing in the foregoing Sections shall be held to prevent the holder of any Bond or other obligation as aforesaid, for the payment of money, from instituting a regular suit on the same, subject to the Rules of Limitation for the time being in force, instead of applying for enforcement of the same under Section XLIV of this Act.

Foregoing provisions not to bar institution of suit on Bond, &c., after lapse of period indicated.

REGISTRATION OF WILLS, CODICILS, AND AUTHORITIES TO ADOPT.

**LI.** Any person wishing to register his Will, a Codicil to his Will, or any Instrument giving authority to adopt a son after his decease shall, either personally or by a duly authorized Agent, deliver such Will or Codicil, or such Instrument, in a sealed cover superscribed with the name of the depositor, and the nature of the Instrument, to a District Registrar, who shall, if such person be not personally known to him, satisfy himself of the identity of such person, or if such Will, Codicil, or Instrument be presented by an Agent, of the authority of such Agent as provided in Section XXXI of this Act.

Wills, &c.

LII. On receipt of such sealed cover superscribed as is above provided, and if satisfied as aforesaid, the District Registrar shall enter the same in the Register of Deposits of Wills, Codicils, and Instruments giving authority to adopt, transcribing therein the superscription on such sealed cover, and noting in the Register and on the cover the year, month, day, and hour of such receipt, together with the name of the depositor and the names of each of the persons testifying to the identity of such depositor, and shall then place such sealed cover in a fire-proof box to be supplied by Government for that purpose.

LIII. Whenever, on the death of any depositor of any such sealed packet, application may be made to the District Registrar in whose Office such sealed packet was deposited to open such packet, such District Registrar, after satisfying himself that such depositor is dead, shall, in the presence of the person making such application, open such sealed packet, and shall enter a copy thereof, to be made at the expense of the applicant, in a Register of Wills, Codicils, and Instruments giving authority to adopt a son. The District Registrar shall thereupon re-deposit the original Will, Codicil, or Instrument, until required to produce the same in a Court of Justice, any copy made under the provisions of this Section, and certified by the District Registrar to be a true copy, shall be evidence of the contents of the Will, Codicil, or Instrument giving authority to adopt, of which it purports to be such copy.

#### REGISTRATION FEES.

LIV. Subject to the approval of the Governor-General in Council, the local Government shall prepare a table of fees which shall be payable for the registration of Instruments under this Act, and may from time to time, subject to the like approval, alter such table. A table of fees so payable shall be exposed to public view in every Office established for the registration of Instruments under this Act, and no Instrument shall be accepted for registration until the fee so prescribed for registration of such Instrument shall have been paid.

LV. All fees received under the provisions of this Act (not being fees payable under Section X of this Act to Officers who are paid by fees) shall be remitted to the Collector's Treasury, or to such other Treasury as the local Government shall direct, under such rules as the local Government shall from time to time issue, and be credited to Government.

#### REGISTERS.

LVI. In every General Register Office, and in the Office of every District and Deputy Registrar, four Register Books shall be kept, which shall be entitled—

- 1.—Register of absolute transfers of immoveable property.
- 2.—Register of other transfers of immoveable property.
- 3.—Register of awards of arbitrations.
- 4.—General Register of all other Instruments for the registration of which provision is made in this Act, and the entry of which is not required

to be made in such other Registers as are herein-after provided.

LVII. All entries made in such books shall be numbered in a consecutive numerical series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year. Whenever any Instrument for the registration of which application may be made, refers to immoveable and also to moveable property, it shall be entered in Book No. 4 and also in Book No. 1, 2, or 3, as the case may be.

LVIII. At the close of each year, two Indices shall be prepared for each Register, one containing the name of every party to every Instrument registered, and the other in the case of immoveable property, containing the name of the village or place where the property is situate, together with a description of the property, and its name, and such other particulars and in such form as the Registrar-General shall from time to time prescribe under Section XIV of this Act.

LIX. Every District Registrar shall, in addition to the books prescribed in Section LVI of this Act, keep two books, to be entitled—

Register of deposits of Wills, and Codicils to Wills, and Instruments giving authority to adopt a son as provided in Section LII.

Register of Wills, Codicils, and Instruments giving authority to adopt a son as provided in Section LIII.

LX. The Registers in the General Register Offices, and in the Offices of the District and Deputy Registrars, shall be at all times open to inspection by any person applying to inspect the same, and certified copies of any entry in such Registers shall be given to all persons applying for such copies. A fee, to be prescribed in the Table of fees prepared under Section LIV of this Act, shall be paid by any person applying to inspect any Register, before such Register is opened to his inspection, and a fee of one Rupee over and above the charge of making the transcript shall be paid by every person requiring a copy of any entry in any such Register. The charge to be made for making copies of entries in the Register shall be regulated from time to time by the General Register Office. Provided that the Registers to be inspected under this Section shall be only the Registers No. 1, 2, and 3 specified in Section LVI, and the Register specified in Section LIII.

#### MISCELLANEOUS PROVISIONS.

LXI. A registered Instrument shall operate from the time from which it would have commenced to operate if no registration had been required or made, and not from the time of its registration.

LXII. It shall not be necessary for any Officer of Government to appear in person for the purpose of registering any Instrument, but when any Instrument is executed by or on behalf of Government, or by any Board, Commission, Court, or Public Office on behalf of Government, the Deputy or District Registrar to whom such Instrument is presented



for registration may, if he deem it necessary, refer to the Head Officer of the Board, Commission, Court or Office on whose behalf such Instrument was executed, for information respecting the same, and on being satisfied of the execution thereof shall register the same.

**LXIII.** If any person shall wilfully make any false statement in any deposition or declaration made by him before any Officer acting in execution of this Act, in any proceeding or enquiry under the provisions of this Act, he shall be deemed guilty of the offence of giving false evidence as defined in Section 191 of Act XLV of 1860. (The Indian Penal Code).

**LXIV.** No action on an Instrument of the nature of the Instruments specified in Sections XXI, and XXII of this Act which shall have been executed after this Act came into operation, and which, though it could have been registered in the manner provided by this Act, shall not have been so registered, shall be entertained, unless such action, if it relate to immoveable property, shall be brought within two years, or, if it relate to moveable property, within six months from the date when the cause of action arose. Provided that nothing in this Section shall authorize any Court to receive any unregistered deed the registration of which, to make it admissible in evidence, is required by this Act. This Section shall not apply to any Will, Codicil, or Instrument giving authority to adopt a son.

**LXV.** No Instrument which purports or operates to create, declare, transfer, or extinguish any right, title, or interest in any immoveable property situate within the local limits of the Ordinary Original Civil Jurisdiction of any Court established by Royal Charter shall be deemed invalid, nor shall any such Court or any other Court of Justice or Public Officer refuse to receive such Instrument in evidence, or to act thereon, by reason of such Instrument not having been registered under this Act, nor shall the provisions of Section XL of this Act apply to any decree or order passed by any Court of Royal Charter in respect of any Instrument relating to any property situated as aforesaid.

**LXVI.** The provisions of Section LXIV of this Act shall not apply to any suit brought in any Court established by Royal Charter in the exercise of its Ordinary Original Civil Jurisdiction, or to any appeal from any decision passed in any such suit, nor shall the provisions of the said Section apply to any suit brought in any Court of Small Causes situate within the local limits of the Ordinary Original Civil Jurisdiction of any Court established by Royal Charter.

**LXVII.** This Act shall come into operation on the 1st day of May 1864.

Commencement of Act

M. WYLIE,

Deputy Secy. to the Govt. of India,  
Home Department.

## Government of Bengal.

### LEGISLATIVE DEPARTMENT.

THE following Bill was read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 7th March 1863, and was referred to a Select Committee who are to report thereon after the 11th April next:—

*A Bill to create a Municipal Corporation and to provide for the Conservancy and improvement of the Town of Calcutta.*

WHEREAS it is expedient to vest the property and the management of the Municipal affairs of the Town of Calcutta in a Corporation, and to make better provision for the Conservancy and improvement of the Town; It is enacted as follows:—

I. Acts XIV and XXV of 1856, so far as they relate to the Town of Calcutta, and Act XXVIII of 1856, are hereby repealed respectively, except so far as they repeal any other Act, and except as to any assessment which shall have been made, or to any act or offence which shall have been done or committed, or to any fine or penalty which shall have been incurred, or to any money which shall have become due, or to any proceedings which have been commenced before this Act shall come into operation. Any sum of money due, or which may become due under any or either of the said Acts, may be levied and recovered under the provisions of this Act.

II. The following words and expressions in this Act shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction:—

The word "Town" shall include all places within the local limits of the original jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal.

The expression "the Justices" shall mean the Corporation of "the Justices of the Peace for the Town of Calcutta," and the expression "resident Justices" shall mean any person who, for the time being, shall be a Member of that Corporation.

The word "Street" shall mean any road, street, square, court, alley, or passage, whether a thoroughfare or not, over which the public have a right of way, and also the roadway over any public bridge or causeway within the said Town.

The word "Land" shall include messuages, buildings, tenements, and hereditaments of any tenure.

The word "Month" shall mean calendar month.

The word "Oath" shall include any affirmation or declaration lawfully substituted for an oath.

The word "Magistrate" shall mean any Magistrate of Police acting for the Town of Calcutta.

The word "Owner" shall mean the person, for the time being receiving the rent of the land or premises in connection with which the word is used, whether

on his own account or as agent or trustee for any other person, or who would so receive the same if such land or premises were let to a tenant. Provided that no person receiving the rent of land or premises as agent for another person shall be liable to do anything by this Act required to be done by the owner of such land or premises, unless he have sufficient funds of the owner to pay for the same; nor shall he be subject to any penalty for omitting to do such act if he can prove that the default was occasioned by reason of his not having funds of the owner sufficient to defray the expense of doing the act required.

"Person." The word "Person" shall include a corporation.

Words importing the singular number shall include the plural number; and words importing the plural number shall include the singular number.

Gender. Words importing the masculine gender shall include the feminine.

III. All Justices of the Peace for the time being resident in the Town of Calcutta shall, by the name of "The Justices of the Peace for the Town of Calcutta," be a body corporate and have perpetual succession and a common seal, and by such name shall sue and be sued.

IV. All property, moveable and immoveable, acquired, before the passing of this Act, by the Municipal Commissioners for the Town of Calcutta appointed under Act XXVIII of 1856, and now vested in them, or in any person in trust for them, shall, upon the coming of this Act into operation, vest in the Justices as Trustees for the purposes of this Act. All monies received by the

Municipal Fund. Justices by virtue of this Act, or of any other Act, all fines, fees, and penalties paid or levied under this Act, and all monies which may be assigned by Government for purposes of Conservancy and improvement in the said Town, shall constitute a fund, which shall be called the Municipal Fund of Calcutta, and shall, together with all property, of what nature or kind soever, which may become vested in the Justices, be under the direction, management, and control of the Justices in the manner hereinafter provided, and shall be applied to the purposes of this Act and of any other Act which hereafter may be in force for the Conservancy or improvement of the Town of Calcutta.

V. The Lieutenant-Governor of Bengal shall, from time to time, appoint one of the said resident Justices to be Chairman of the Justices. Such Chairman shall be removable from office by the Lieutenant-Governor if his removal be applied for by not less than two-thirds of the said resident Justices in a requisition addressed to the Lieutenant-Governor and signed by them, but not otherwise.

VI. The Justices at a meeting shall, before the day of next, nominate one of the said resident Justices to be Vice-Chairman of the said Corporation. Such nomination shall be subject to the approval of the Lieutenant-Governor of Bengal;

and in the event of any nomination made by the Justices not being approved of by him, or of any vacancy occurring in the office of Vice-Chairman, the Justices shall forthwith proceed to make a fresh nomination, and so on, from time to time.

VII. It shall be lawful for the Justices at a meeting, from time to time, to appoint proper persons to the several Offices of Secretary, of Surveyor, of Engineer, of Health Officer, and of Assessor for the Town of Calcutta. Every person so appointed, and every Vice-Chairman, shall be, in all things, under the immediate orders of the Chairman, and shall perform such duties as shall be assigned by him, and shall be removable by the Justices by a resolution passed at a special meeting and in favor of which not less than two-thirds of the resident Justices shall have voted.

VIII. Every Chairman and Vice-Chairman shall reside within the Town of Calcutta, and shall devote his whole time to the duties of his office; and no Chairman or Vice-Chairman shall have or engage in any other profession, trade, or business whatsoever; provided that nothing in this Act shall be deemed to prevent any Civil or

Military Officer in the service of Government from holding the office of Chairman or Vice-Chairman so long as such Officer shall fill no other appointment; provided further, that it shall be lawful for any Chairman or Vice-Chairman to hold also the office of Commissioner of Police or Deputy Commissioner of Police for the Town of Calcutta if he shall be appointed to such office by the Lieutenant-Governor of Bengal.

IX. The Chairman and the Vice-Chairman respectively may receive such allowances out of the funds to be raised under this Act as shall be from time to time fixed by the Justices at a meeting. Provided that such allowance for any Chairman shall not exceed the rate of three thousand Rupees a month (exclusive of house rent), and that such allowance for any Vice-Chairman shall not exceed the rate of twelve hundred Rupees a month.

X. Every Secretary, Surveyor, Engineer, Health Officer, and Assessor, appointed as hereinbefore provided, may receive such allowance out of the funds to be raised under this Act as shall be from time to time fixed by the Justices at a meeting with the sanction of the Lieutenant-Governor of Bengal.

XI. The Chairman may from time to time appoint all such Overseers, Clerks, and subordinate Officers and servants as he shall think necessary and proper to assist in the execution of this Act, and may from time to time remove any of such persons and appoint others in their place; and out of the funds applicable to the purposes of this Act he may, with the sanction of the Justices at a meeting, pay such allowances to the said persons respectively as he shall think reasonable. Provided that no person shall be appointed to, or removed from, any office the monthly salary of which exceeds two hundred Rupees, without the sanction of the Justices at a meeting.



**XII.** It shall be lawful for the Justices, with the sanction of the Lieutenant-Governor of Bengal, to grant such leave of absence to any Chairman or any Officer appointed under Sections VI or VII of this Act, and to make such arrangements for the carrying on the duties of his office during his absence on leave as shall to them seem proper; and it shall also be lawful for the Justices, with the like sanction, out of the funds applicable to the purposes of this Act, to pay to any Chairman or other Officer aforesaid such allowance during absence on leave as shall to them seem proper; provided that no greater expenditure from the funds shall be in any case incurred in the whole, by reason of any allowance paid under this Section, than would have been incurred had no leave been granted; provided also that nothing shall be done or resolved by the Justices under this Section except at a special meeting.

**XIII.** All acts authorized or required to be done by the Justices, and all questions that may come before the Justices for decision, shall, save as is herein otherwise provided, be done and decided by the majority of the resident Justices present at any meeting held in pursuance of this Act, the whole number present at the meeting not being less than five, exclusive of the Chairman and of the Vice-Chairman. It shall be the duty of the Chairman and of the Vice-Chairman to attend all such meetings, unless prevented by sickness or other unavoidable cause; and the Chairman, or in his absence the Vice-Chairman, shall be President, and shall have a second or casting vote in all cases of equality of votes. No business shall be transacted at any meeting at which neither the Chairman nor the Vice-Chairman is present, but the meeting shall be adjourned by the Senior Justice present, to such time as may seem to him fit.

**XIV.** Minutes of the Proceedings of all Meetings of the Justices shall be drawn up, and fairly entered in a book to be kept for that purpose, and shall be signed by the President after each Meeting, and the said Minutes shall, at all reasonable times, be open, at the Office of the Justices, to the inspection of any of the said resident Justices without charge, and of any other person on payment of a fee of one Rupee.

**XV.** Previous to any Meeting of the Justices held by virtue of this Act, save the quarterly Meetings hereinafter mentioned, a notice of the time and place of such intended Meeting shall be given seven clear days at least before such Meeting, by advertisement signed by the Chairman, or, in his absence, by the Vice-Chairman, and inserted in the Government Gazette and in at least one of the daily newspapers published in Calcutta.

**XVI.** The Chairman, and, in his absence, the Vice-Chairman, shall have power to call a Meeting of the Justices as often as he shall think proper, and shall be bound to call a Meeting on a requisition signed by ten resident Justices at the least and requiring him to do so. In every case in which a Meeting is called, a summons to attend it, specifying the business proposed to be transacted thereat and signed by the Chairman or the Vice-Chairman, as the case may be, shall be left at the usual place of abode of every Justice resident in the Town seven clear days at least before such Meeting; and no business shall be brought before or transacted at the Meeting other than is specified in the notice.

**XVII.** There shall be four Quarterly Meetings in every year, at which the Justices shall meet for the transaction of general business. It shall not be necessary to give any notice of the business to be transacted at such Quarterly Meetings, and they shall be holden at noon on the first Monday in the months of January, April, July, and October respectively, or if any such Monday shall happen to be a holiday, then on the next succeeding day which shall not be a holiday.

**XVIII.** The Chairman or Vice-Chairman shall, except upon such holidays as shall be allowed by Government, sit daily for the transaction of business connected with or arising under this Act, and, when so sitting, shall have all the powers vested by this Act in the Justices; and they may respectively exercise the like powers at all times in carrying out the orders of the Justices, or in executing any works sanctioned by them, and generally in the management of the business aforesaid. Provided that it shall not be lawful for the Chairman or Vice-Chairman to act in opposition to, or contravention of, any order of the Justices, or to exercise any power which it is by this Act expressly declared shall be exercised only by the Justices at a meeting.

**XIX.** It shall be lawful for the Justices at a meeting, from time to time, to appoint Committees, consisting of such number of persons as they may think fit, for the purpose of reporting upon any matter connected with the Conservancy or improvement of the Town, or of advising and aiding the Chairman in the discharge of any portion of his executive duties, which, in the discretion of the Justices, would be better regulated or managed with the advice and aid of any such Committees; provided that the Chairman or the Vice-Chairman shall be a Member of every such Committee, and that the proceedings of every such Committee shall be submitted to the Justices at a meeting for their approval.

**XX.** At the first quarterly meeting held under this Act the Chairman shall lay before the Justices a Budget or Estimate prepared by him of the expenditure and income of the Municipality

**XXI.** The Chairman or Vice-Chairman to call Meetings as often as he thinks proper; and also at the requisition of ten Justices.

**XXII.** The Chairman or Vice-Chairman to sit daily for the transaction of business and to exercise the powers of the Justices.

**XXIII.** The Chairman or Vice-Chairman shall, except upon such holidays as shall be allowed by Government, sit daily for the transaction of business connected with or arising under this Act, and, when so sitting, shall have all the powers vested by this Act in the Justices; and they may respectively exercise the like powers at all times in carrying out the orders of the Justices, or in executing any works sanctioned by them, and generally in the management of the business aforesaid. Provided that it shall not be lawful for the Chairman or Vice-Chairman to act in opposition to, or contravention of, any order of the Justices, or to exercise any power which it is by this Act expressly declared shall be exercised only by the Justices at a meeting.

**XXIV.** It shall be lawful for the Justices at a meeting, from time to time, to appoint Committees, consisting of such number of persons as they may think fit, for the purpose of reporting upon any matter connected with the Conservancy or improvement of the Town, or of advising and aiding the Chairman in the discharge of any portion of his executive duties, which, in the discretion of the Justices, would be better regulated or managed with the advice and aid of any such Committees; provided that the Chairman or the Vice-Chairman shall be a Member of every such Committee, and that the proceedings of every such Committee shall be submitted to the Justices at a meeting for their approval.

**XXV.** At the first quarterly meeting held under this Act the Chairman shall lay before the Justices a Budget or Estimate prepared by him of the expenditure and income of the Municipality

**XXVI.** The Chairman or Vice-Chairman shall have power to call a Meeting of the Justices as often as he shall think proper, and shall be bound to call a Meeting on a requisition signed by ten resident Justices at the least and requiring him to do so. In every case in which a Meeting is called, a summons to attend it, specifying the business proposed to be transacted thereat and signed by the Chairman or the Vice-Chairman, as the case may be, shall be left at the usual place of abode of every Justice resident in the Town seven clear days at least before such Meeting; and no business shall be brought before or transacted at the Meeting other than is specified in the notice.

**XXVII.** There shall be four Quarterly Meetings in every year, at which the Justices shall meet for the transaction of general business. It shall not be necessary to give any notice of the business to be transacted at such Quarterly Meetings, and they shall be holden at noon on the first Monday in the months of January, April, July, and October respectively, or if any such Monday shall happen to be a holiday, then on the next succeeding day which shall not be a holiday.

**XXVIII.** The Chairman or Vice-Chairman shall, except upon such holidays as shall be allowed by Government, sit daily for the transaction of business connected with or arising under this Act, and, when so sitting, shall have all the powers vested by this Act in the Justices; and they may respectively exercise the like powers at all times in carrying out the orders of the Justices, or in executing any works sanctioned by them, and generally in the management of the business aforesaid. Provided that it shall not be lawful for the Chairman or Vice-Chairman to act in opposition to, or contravention of, any order of the Justices, or to exercise any power which it is by this Act expressly declared shall be exercised only by the Justices at a meeting.

from the date on which this Act shall come into operation up to the first subsequent day of May: and at the quarterly meeting to be held in the month of April in each year, the Chairman shall lay before the Justices a Budget or Estimate prepared by him of the expenditure and income of the Municipality for the financial year commencing on the 1st of May then next succeeding, in such detail and form as the Justices shall from time to time by order passed at a quarterly meeting direct. Provided always that such Budget shall be completed and printed, and a copy thereof sent to each of the Justices resident in Calcutta at least fourteen days before the meeting before which the Budget is to be laid.

XXI. The Budget shall shew what expenditure it is proposed to incur during the period to which it relates, and the manner in which it is proposed to meet such expenditure. The Budget of expenditure shall be divided into two parts; the first part shall be termed the Budget of Obligatory Expenditure; and the second part shall be termed the Budget of Optional Expenditure.

XXII. The Budget of Obligatory Expenditure shall contain the estimated charges for the following Municipal services:—

- Salaries.
- Contingencies.
- Maintenance and repair of existing works.
- Execution of works already sanctioned at any Special or quarterly meeting.

The Budget of Optional Expenditure shall contain all other estimated charges.

XXIII. The Estimate of income shall be divided into two parts; the first part to be termed the Estimate of Ordinary Revenues; the second part to be termed the Estimate of Extraordinary Revenues.

The Estimate of Ordinary Revenues shall contain the estimated income from the following sources:—

- Taxes absolutely fixed by Acts of the Legislature.
- Taxes levied under authority of the Justices specially appropriated for the general charges or for particular objects.
- Miscellaneous sources of Revenue specially appropriated for the general charges.

The Estimate of Extraordinary Revenue shall contain the estimated income from special rates and all other sources.

XXIV. It shall be in the discretion of the Justices to pass or to reject, or to modify, the Estimates of all sums entered in the Budget: and it shall be lawful for the Lieutenant-Governor of Bengal to reduce the Estimate of Expenditure, whether Obligatory or Optional, if and as he shall think proper; and no work or series of works, the entire estimated cost of which, as shewn in the Budget, shall exceed fifty thousand Rupees, shall be commenced without the sanction of the Lieutenant-Governor having been first obtained.

No work, the estimated cost of which exceeds 50,000 Rs., to be commenced without sanction of Government.

XXV. At the first quarterly meeting held under this Act the Justices shall fix the rates at which such taxes as are leviable under this Act shall be levied, from the date on which this Act shall come into operation, till the first day of May next ensuing; and at the quarterly meeting to be held in the month of April in each year the Justices shall fix the rates at which such taxes as are leviable under this Act shall be levied for the year commencing on the first day of May then next ensuing. The rates so fixed shall not be altered before the quarterly meeting held in the next succeeding month of April, except by a resolution passed by the Justices at a special meeting at which not less than two thirds of the resident Justices shall be present and vote.

Such rate not to be altered except at a Special Meeting.

XXVI. A tax, at a rate not exceeding the rates specified in the Schedule (A) to this Act annexed, shall be imposed upon all carriages, horses, ponies, and mules kept or used within the said Town, and shall be payable in advance. Provided that this Section shall not apply to or include,—Gun Carriages, or Ordnance Carts or Wagons: Cavalry horses, or horses of the Mounted Police: horses belonging to Officers doing Regimental duty at the Presidency, at the rate of one horse for each Officer: Conservancy carts, horses, ponies, or mules belonging to the Justices: or vehicles kept for sale, and not used for any other purpose, if kept by *bond fide* dealers in such vehicles.

XXVII. The owner of every carriage, horse, poney, or mule so kept or used, shall, on or before the 30th day of April and the 31st day of October in each and every year, forward to the Office of the Justices an application in writing signed by him, and containing a description of the vehicles and animals liable to the tax for which he desires to take out a license. The owner shall at the same time pay to the Justices such sum as shall be payable by him for the half-year commencing on the 1st of May or the 1st of November then next (as the case may be), for the vehicles and animals specified in such application, according to the rates given in the said Schedule. Any person becoming possessed, between the 30th day of April and the 31st day of October, or between the 31st day of October and the 30th day of April, of a carriage, horse, poney, or mule so kept or used, shall, within a week of becoming so possessed, send to the Office of the Justices a similar application, together with the full amount payable for the then current half-year according to the said Schedule, unless he shall be able to prove to the satisfaction of the Justices that the tax for the half-year has previously been paid.

XXVIII. On receiving an application and the amount of tax as aforesaid the Justices shall give to the person forwarding the same a license for the vehicle and animals in respect of which the money is received. The owner of every carriage, horse, poney, or mule who shall have received a license for the amount of tax paid by him for any half-year, shall at all times during that half year be bound to produce the same when called upon to do so by the Justices or any person duly authorised by them to demand its production.

On payment of amount of tax as aforesaid the Justices shall give to the person forwarding the same a license for the vehicle and animals in respect of which the money is received. The owner of every carriage, horse, poney, or mule who shall have received a license for the amount of tax paid by him for any half-year, shall at all times during that half year be bound to produce the same when called upon to do so by the Justices or any person duly authorised by them to demand its production.



**XXIX.** If the owner of any carriage, horse, poney, or mule so kept or used as aforesaid shall not have in his possession a license granted under the last preceding Section, he shall, on conviction before a Magistrate, be liable to a fine not exceeding five times the amount of the tax which would have been payable by such person supposing him to have duly paid the same as soon as it became due; and the Justices or any Officer duly authorised by them may seize or cause to be seized any such horse, poney, mule, or carriage (provided the same be not employed at the time of seizure in the conveyance of any person), together with the horse, poney, or mule drawing the carriage, and may deliver them over to the Police, and all Police Officers are hereby required, on the application of the Justices or their Officers as aforesaid, to seize and detain the same. If the carriage, horse, poney, or mule seized be not claimed, and if the fine be not paid within ten days, it may be sold by auction by order of the Magistrate, and the proceeds applied to the payment of the fine and to the costs and charges incurred on account of the detention and sale; and the surplus (if any), if not claimed by the owner within a further period of twenty days, shall be paid to the Justices.

**XXX.** The Justices, at their discretion, may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire, for a certain sum to be paid for the carriages and horses so kept by such persons in lieu of the taxes specified in the Schedule.

**XXXI.** The Justices shall, from time to time, cause to be prepared and entered in distinct columns, in a book to be kept at the Office of the Justices and to be open to the inspection of any person who shall apply for leave to inspect the same, a list of the persons who, during the then current period of six months, shall have received a license under Section XXVIII of this Act and of the vehicles and animals in respect of which they may have paid.

**XXXII.** The Justices may summon any person supposed to be liable to the payment of any tax under Section XXVI of this Act or any servant of such person, and may examine such person or servant as to the number and description of the horses and carriages in respect of which such person is liable to be taxed. If the person summoned shall, without lawful excuse, fail to appear in pursuance of the summons, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred Rupees.

**XXXIII.** Every cart any hackery kept and used within the said Town, Registry and numbering of Hackeries. and every cart and hackery plying for hire within the Town or let for hire and used within the said Town and kept at any place beyond the limits thereof, shall be registered in the Office of the Justices with the name and residence of the owner, and shall bear, in such manner as the said Justices shall direct, the number of such registration. Provided that this Section shall not apply to or include Ordnance or Commissariat or other Government carts or hackeries or Conservancy carts or hackeries belonging to the Justices.

**XXXIV.** The registration of carts and hackeries under the last preceding Section shall be made and the numbers assigned annually upon such day in each year as the said Justices shall appoint, and a fee of six Rupees shall be paid for each registration. Any person becoming possessed within the year of any such cart or hackery which has not been registered, may obtain registration on application to the Justices at their Office and on payment of the said fee of six Rupees. When any registered cart or hackery is transferred within the year, it shall be registered anew in the name of the person to whom it has been transferred, and a fee of four annas shall be paid for every such last-mentioned registration.

**XXXV.** Whoever keeps any cart or hackery required by this Act to be registered, without being so registered, shall, on conviction before a Magistrate, be liable to a fine not exceeding five times the usual registration fee: and the Justices or any Officer duly authorized by them may seize or cause to be seized any such cart or hackery (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods), together with the horses, bullocks, or other animals drawing the same, and may deliver them over to the Police; and all Police Officers are hereby required, on the application of the Justices or their Officers as aforesaid, to seize and detain the same. If the vehicle seized be not claimed, and if the fine be not paid within ten days, such vehicle, together with the animals seized with it (if any), may be sold by auction by order of a Magistrate, and the proceeds applied to the payment of the fine and to the costs and charges incurred on account of the detention and sale; and the surplus (if any), if not claimed by the owner within a further period of twenty days, shall be paid to the Justices.

**XXXVI.** Every person keeping a shop or stall in the Town of Calcutta for the sale of any article or goods (whether such person be the proprietor of such shop or not), and every hawker, pedlar, or other person trading and selling goods by retail from house to house or in the public streets, shall register his name and residence in the Office of the Justices, and such registration shall be in force for one year; provided that it shall not be necessary for more than one person to register in respect of any one shop or stall. Upon registration a certificate, shewing such particulars as the Justices may direct, shall be delivered to the person on whose application the registration is made.

**XXXVII.** The registration shall be made and the certificate assigned annually upon such day in each year as the Justices shall appoint, and a registration fee shall be paid by the applicant for registration according to the scale laid down in Schedule (B) to this Act annexed. Any person becoming possessed within the year of any shop liable to registry under this Act, but which has not been registered, may obtain registration on application to the Justices at their Office. When any registered shop or stall is transferred within the year, it shall be registered anew in the name of the person to whom it has been transferred, and a fee of two Rupees shall be paid for every such last-mentioned registration in the first

class, and a fee of one Rupee for every such registration in the second or their class.

**XXXVIII.** Whoever being legally bound to register his name and residence under Section XXXVI of this Act, but not being so registered, shall sell goods or expose them for sale in any shop or stall, or shall hawk or offer goods for sale by retail from house to house or in the public streets, shall be liable to a fine, if liable to registration in the first class, not exceeding one hundred Rupees, and if liable to registration in the second class, not exceeding fifty Rupees, and if liable to registration in the third class, not exceeding twenty Rupees. Any Officer duly authorised by the Justices may, at all reasonable times, require any person liable to registration under any of the provisions of the last two preceding Sections to produce the certificate of registry; and any such person who shall, when so required, neglect or refuse, without reasonable excuse, to produce his certificate, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty Rupees.

**XXXIX.** An annual rate not exceeding ten per cent. of their annual value may be imposed by the Justices upon houses, buildings, and lands in the said Town. Provided that it shall be at the option of the Justices, in lieu of

**Proviso.** such rate, to levy upon any lands unappropriated to any building, or upon any native huts with their appurtenances, a fixed rate not exceeding one Rupee for every one hundred square feet occupied by them respectively. Any rate levied under this Section shall be payable by the owners of the said lands, houses, buildings, and huts by quarterly instalments. Houses, buildings, and lands situate in Fort William, on the Esplanade of the Fort, and in Cooley Bazar, and buildings used exclusively as places of public worship, shall not be liable to any rate under this Act.

**XL.** If the annual value or fixed rate in the last preceding Section referred to shall in any case exceed the amount of rent payable by the lessee or tenant to the owner, the owner may in such case recover from the lessee or tenant the difference between the sum assessed upon him, and the sum at which he would have been assessed had he been rated only upon the amount of rent actually payable to him, and such difference shall be added to the rent payable by such lessee or tenant and shall be recoverable by the owner from him by such means and in like manner in all respects as such rent is recoverable.

**XLI.** When any house shall have been vacant for sixty consecutive days during any year, the Justices shall remit so much, not exceeding one-half of the rate for that year as may be proportionate to the number of days the said house may have remained unoccupied; provided that the owner of such house or his Agent shall have given to the Justices notice in writing of the vacancy thereof, and that the amount of rate to be remitted shall be calculated from the date of the delivery of such notice.

**XLII.** To provide for the lighting of the public streets of the said Town an annual lighting-rate, not exceeding two per cent. of their annual value,

may be imposed by the Justices upon all houses, buildings, and lands in the said Town. Provided

**Proviso.** that it shall be at the option of the Justices, in lieu of such rate, to levy upon any lands unappropriated to any building, or upon any native huts with their appurtenances, a fixed rate not exceeding four annas for every one hundred square feet occupied by such last mentioned lands or huts with their appurtenances. Any rate imposed or levied under this Section, or under Section XLIV, shall be payable in quarterly instalments by the occupiers of the houses, buildings, huts, and lands upon which it may be imposed.

**XLIII.** The Justices shall cause the public streets of the Town to be sufficiently lighted; and the sum applicable annually to the current expenses of lighting the said streets, shall be the gross proceeds of the said Lighting-rate and no more; but the Justices may expend

**Proviso.** out of the funds at their disposal such further sums as may from time to time be requisite for the purchase, setting up, and maintaining of lamps, lamp-posts, pipes, and other necessary apparatus.

**XLIV.** In order to provide for the better supply of water within the

**Water-rate.** Town of Calcutta, an annual Water-rate, not exceeding two and a half per cent of their annual value, shall be imposed upon all houses, buildings, and lands in the said Town.

**Proviso.** Provided that it shall be at the option of the Justices, in lieu of such rate, to levy upon any lands unappropriated to any building, or upon any native huts with their appurtenances, a fixed rate not exceeding five annas for every one hundred square feet occupied by such last mentioned lands or huts with their appurtenances. No rate shall be imposed under this Section until a complete system for the supply of fresh water within the said Town, sanctioned by the Lieutenant-Governor of Bengal, shall have been carried out.

**XLV.** Every occupier shall be liable to the Lighting-rate and to the

**Occupier liable to** Water-rate for the time of his occupation; and when any person shall have been an occupier for a part only of any quarter, the Justices shall charge him with only so much of the rate for that quarter as may be proportionate to the number of days during which he continued to be an occupier. No such rate shall be chargeable to any person on account of any unoccupied house for the time during which it may remain unoccupied. Provided always that

**Proviso.** when any person ceases to be the occupier of any premises liable to the rate, he shall give the Justices notice thereof, or, if he fail to give such notice, he shall be liable to the rate assessed on the said premises for the whole quarter, although they may have been occupied for a part only of such quarter.

**XLVI.** When any house or building or any land is let by the owner in apartments, flats, or portions, the owner shall be liable to pay the Lighting-rate and the Water-rate, instead of the occupier or occupiers.



XLVII. When any person, who rents from the owner any house or building or any land, sublets the same in apartments or portions, such person, for the purposes of Lighting-rate and of the Water-rate, shall be held to be the occupier.

XLVIII. If during the course of any quarter the Justices shall have reason to believe that any person, who, if the current quarter had come to an end, would be liable to pay the House-rate, the Lighting-rate, or the Water-rate for that quarter, is about to remove from the Town of Calcutta forthwith, it shall be lawful for the Justices to declare such person liable to the immediate payment of the said rates or any of them from the commencement of that quarter up to the date of such declaration, and the amount of such rate for such time due from such person shall be leviable forthwith in like manner and in all respects as the said rates are in ordinary cases leviable.

XLIX. The estimated gross annual rent at which the houses, buildings, and lands, liable to the rate or rates imposed under this Act upon houses, buildings, and lands according to the annual value thereof, might reasonably be expected to let from year to year, shall for the purposes of the rate be held and deemed to be the annual value of such houses, buildings, and lands. The value of a house or building so estimated shall not include the value of any machinery contained therein.

L. The annual value at which any lands, houses, buildings, or huts with their appurtenances are to be assessed, or the number of square feet on which they are to be rated under this Act, shall be fixed by the Justices, and such lands, houses, buildings, and huts with their appurtenances shall be assessed or rated upon the value or the number of feet so fixed for three years from the date on which it is so fixed, and on no other value or number. Provided that, if during the currency of the said period of three years any new building shall be erected on any land, or any substantial alteration and improvement shall be made in any premises, it shall be lawful for the Justices to cause the land or premises to be again assessed, even though the three years shall not have expired, and such last mentioned assessment shall be in force, and the rate shall be levied according to it, until the expiry of the said three years.

LI. The annual value assessed, or the number of square feet fixed by the Justices as hereinbefore provided, shall be entered in a book to be kept at the Office of the Justices, wherein shall also be written in distinct columns the name of the owner of the property; or, if the occupier, and not the owner, is the person liable to pay the rate, the name of the occupier; a designation of the property either by name or number, sufficient to identify the same, together with the name of the street or district in which such property is situate, and the amount of the rate assessed or fixed thereon. The valuation which at the date of this Act coming

into operation shall stand entered in the book kept at the Office of the Municipal Commissioners, under Section V of Act XXV of 1856, shall be taken to be the first valuation made under this Act, until such time as the Justices shall cause a new valuation or a measurement to be made.

LII. When the name of the owner or occupier is not known, it shall be sufficient to designate him in the said book, and also in any notice or other proceeding under this Act, as "the owner" or "the occupier" of the property on which the rate is assessed, without further description.

LIII. In order to enable the Justices to arrive at a fair valuation or measurement of any houses, buildings, or lands liable to the rate, it shall be lawful for the Justices to require the owner or occupier of such houses, buildings, or lands to furnish them with returns of the measurements and of the rent or annual value thereof; and for the like purpose, it shall be lawful for the Justices, or

any person or persons appointed by them for that purpose, at any time to enter and inspect and measure such houses, buildings, or lands after having given forty-eight hours' previous notice of such their intention to the occupier thereof; and whoever refuses or fails to furnish any such return for the space of one week from the day on which he shall have been required so to do, or knowingly makes a false or incorrect return; and whoever hinders, obstructs, or prevents any one of the resident Justices, or any person appointed by the Justices as aforesaid, from entering or inspecting or measuring any such houses, buildings, or lands, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred Rupees.

LIV. When the valuation and measurement have been completed, the Justices shall give public notice thereof, and of the place where the said book containing the valuation and measurement and the rate assessed, or a copy of the said book, may be inspected, by advertisement in the Government Gazette, and in at least one of the daily newspapers published in the Town of Calcutta, and also by placards posted up in conspicuous places throughout the Town, and the person in whose custody such book may be shall permit every person claiming to be the owner or occupier of property included in the assessment or measurement, or the agent of such owner or occupier, to inspect the book and to make extracts therefrom without payment of any fee; and every person who is not such owner or occupier, to inspect and make extracts in like manner on payment of a fee of one Rupee. Any person in charge of such book who shall wilfully neglect or refuse to permit the same to be inspected, or wilfully neglect or refuse to permit extracts to be made therefrom as aforesaid, shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty Rupees.

LV. The Justices shall, at the time and in the manner in the preceding Section mentioned, give public notice of a day, not being less than fifteen days from the publication of such notice, when they will proceed to revise the said

valuation or measurement and assessment; and in all cases in which any property is for the first time assessed, or in which the valuation or measurement of any property previously assessed is increased, shall give special notice thereof to the owners or occupiers of such property. All appeals against such valuation or measurement and assessment shall be made to the Justices on or before the day fixed in the notice; and upon hearing such appeals the Justices shall make such amendments, if any, in the said book as they shall think proper.

**LVI.** After the appeals have been enquired into, and after the revision of the valuation or measurement and assessment has been completed, the amendments, if any, made in the said book shall be authenticated by the seal of the Justices; and thereupon, and subject to such alterations and amendments, as may thereafter be duly made, the rate so assessed shall be deemed to be the rate for the whole three years for which the assessment is made, which years shall commence on the 1st day of May next subsequent to the date of making such assessment.

**LVII.** Provided always that the Chairman or Vice-Chairman, upon the representation of parties or other information, may at any time amend the said book, by inserting therein the name of any person whose name ought to be so inserted, or any property liable to the rate; or by striking out the name of any person or any property not liable to the rate, or by reducing the amount of the rate: and in all cases in which any property is inserted as liable to the rate, the amendment shall be considered to have been made at the time when the person interested first received notice thereof.

**LVIII.** It shall not be necessary to prepare a new book every three years, but the Justices may adopt the valuation or measurement and assessment contained in the book for any period of three years, with such alterations as may, in particular cases, be deemed necessary, as the valuation or measurement and assessment for the three years next following. Provided always that public notice of such valuation or measurement and assessment shall be given in the manner prescribed in Section LIV of this Act; and the provisions of that and the three following Sections shall be applicable to the said valuation or measurement and assessment, and to the book or books in which it is contained.

**LIX.** Appeals against any rate or tax assessed or demanded by the Justices under the provisions of this Act, shall be heard and determined by not less than three resident Justices. But no such appeal shall be heard unless the amount of the rate or tax has been deposited with the Justices. The mode of proceeding in such appeals shall be the same as that hereinafter prescribed for the determination of matters referred to two Magistrates, or as near thereto as may be.

**LX.** The assessment by the Justices of any rate or tax, when no appeal therefrom is made as hereinbefore provided, and the adjudication of any appeal under Section LIX, shall be final and conclusive.

**LXI.** When any rate or tax is due, the Justices shall cause to be presented to the person liable to the payment thereof a bill for the sum due, which shall also contain a statement of the period and a description of the property or thing for which the rate or tax is charged. If the bill be for any tax, it shall also contain a notice of the time within which an appeal against such tax may be preferred.

**LXII.** If the bill is not paid by the person liable to pay the same within five days from the presentation thereof, the Justices may cause to be served upon such person a notice of demand in the form contained in the Schedule (C) to this Act annexed, or to the like effect; and if he shall not, within

**Distress.** five days from the service of such notice of demand, pay the sum due, or show sufficient cause to the satisfaction of the Justices, for non-payment of the same, and if no appeal shall have been preferred, such sum, with all costs, may be levied by distress and sale of the goods and chattels of the defaulter, or if the defaulter be the occupier of any house, building, or land in respect of which a rate is due, by distress and sale of any goods and chattels found on the premises, under a warrant in the form contained in the Schedule (D) to this Act annexed, or to the like effect, to be issued for that purpose by the Justices. For every notice of demand under this Section which the Justices shall cause to be served upon any person, a fee of one Rupee shall be paid by such person, which fee shall be added to the amount of the rate or tax in respect of which the notice is given, and if not duly paid shall be levied in the same manner as such rate or tax may be levied.

**LXIII.** The Officer charged with the execution of a warrant of distress under the last preceding Section shall make an inventory of the goods and chattels seized under any such warrant, and shall at the same time give a notice in writing, in the form contained in the Schedule (E) of this Act annexed, to the person in possession thereof at the time of the seizure, that the said goods and chattels will be sold as therein mentioned.

**LXIV.** If the warrant is not in the meantime discharged or suspended by the Justices, the goods and chattels seized shall be sold under the orders of the Justices, who shall apply the proceeds, or such part thereof as may be necessary, in discharge of the said arrears and costs; and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure.

**Fees.** The fees payable upon distraints under this Act shall be such as are set forth in the Table of Fees in the said Schedule.

**LXV.** The goods and chattels of any person from whom any rate or tax is due may be distrained, wherever the same may be found, for default in the payment of the money due from such person.



**LXVI.** If the sum due on account of any rate from the owner of any house building, or land remains unpaid, after notice of demand has been duly served, the Justices may demand the amount from the occupier for the time being of such house, building, or land, and, on non-payment thereof, may recover the same by distress and sale of any goods and chattels found on the premises; and in such case, the occupier may deduct from the next and following payments of his rent the amount which may be so paid by or recovered from him. Provided that no arrear of rate which has remained due from the owner of any house, building, or land, for more than one year, shall be so recovered from the occupier thereof.

**LXVII.** No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, Schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity, may recover full satisfaction for the special damage in any Court of competent jurisdiction.

**LXVIII.** Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of the sum due in respect of any rate or tax, the Justices may sue the person liable to pay the same in any Court of competent jurisdiction.

**LXIX.** Every notice, Schedule, summons, or notice of demand regarding any assessment, rate, or tax, or any money due due in respect of the same, may be served personally upon the person to whom the same is addressed, or be left at his usual place of abode with some adult male member or servant of his family, or, if it cannot be so served, may be put up on some conspicuous part of such place of abode, and shall thereby be deemed to be duly served. Provided that, if the place of abode of the owner of any house, building, or land in respect of which a rate is assessed be unknown; or if the owner of any such house, building, or land be not resident within the limits of the Town of Calcutta, every such notice, summons, or notice of demand shall be deemed to be duly served if put up on some conspicuous part of the house, building, or land in respect of which the rate is assessed.

**LXX.** No assessment and no charge or demand of a rate or tax, made under the authority of this Act, shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to the rate or tax, or any mistake in the amount of assessment, provided the directions of this Act be in substance and effect complied with; and no proceedings under this Act shall be quashed or set aside for want of form in any Court of Justice.

**LXXI.** The Justices shall carry out such a complete system of sewerage and drainage within the said Town as shall be directed by the Lieutenant-Governor of Bengal, subject to such alterations as may from time to time be ordered by him; and until such system has been completed, and all the expenses thereof defrayed, and all monies borrowed for the payment of such expenses have been repaid, the Justices shall set apart for the purposes above-mentioned an annual sum of not less than one hundred and fifty thousand Rupees, out of the proceeds of the rate provided by Section XXXIX of this Act.

**LXXII.** The Lieutenant-Governor of Bengal may determine what portions, if any, of the environs of the Town shall be included in the said system of sewerage and drainage, and may declare the boundaries thereof by notification in the Government Gazette. An annual rate to be fixed from time to time by the said Lieutenant-Governor, not exceeding two and a half per cent of their annual value, may be imposed upon all houses, buildings, and lands situated within the boundaries so notified, and the same shall be payable by the owners thereof in quarterly instalments. For the purposes of the said rate, the houses, buildings, and lands situated within such boundaries as aforesaid, shall be held to be a part of the Town; and all the provisions of this Act which relate to the assessment and collection of rates payable by owners, shall have effect in respect to such rates.

**LXXIII.** It shall be lawful for the Justices, with the sanction of the Lieutenant-Governor of Bengal, to erect wharves, jetties, or quays in any river or canal bordering upon lands held by the Justices as the property of the Town of Calcutta. And it shall be lawful for the Justices to levy upon all goods shipped or landed at any such quay, wharves, or jetties, wharfage and portage fees, according to a scale to be laid down from time to time by the Justices with the sanction of the Lieutenant-Governor of Bengal.

**LXXIV.** It shall be lawful for the Officers appointed by the Justices to superintend the landing and shipment of goods from the quays, wharves, and jetties aforesaid, to detain any such goods until the wharfage and other charges due thereon shall have been paid.

**LXXV.** It shall be lawful for the Justices, with the sanction of the Lieutenant-Governor of Bengal, to borrow and take up at interest, on the credit of the rates and taxes imposed and levied on account of the Municipal Fund under this or any other Act passed in that behalf, or of a portion of them, any sums of money necessary for defraying any expenses incurred or to be incurred by them in the execution of this or any such Act; and for the purpose of securing the re-payment of any sums so borrowed, together with such interest as aforesaid, the Justices may mortgage and assign over, to the person by or on behalf of whom such sums shall be advanced, the rates and taxes or the portion of them upon the credit of which such sums shall be borrowed. Provided always

that the money borrowed under the authority of this Act shall be borrowed only for works of a permanent nature, and shall not at any time exceed in the whole ten times the average annual sum received and collected on account of the Municipal Fund.

**LXXVI.** It shall be lawful for the Justices to keep in their Office a Register of all births and deaths in the Town of Calcutta, and for this purpose they shall divide the Town into such and so many districts as they shall think fit, and for every such District they shall appoint a person to be Registrar of births and deaths within such District.

**LXXVII.** Every Registrar shall dwell within the District of which he is Registrar, and shall cause his name, with the addition of Registrar for the District for which he shall be so appointed, to be placed in some conspicuous place on or near the outer door of his own dwelling house; and the Justices shall cause to be printed and published a list of the name and place of abode of every Registrar in the Town.

**LXXVIII.** The Justices shall cause to be prepared and printed a sufficient number of Register Books for making entries of all births and deaths which may take place in the Town of Calcutta according to the forms prescribed in Schedules (F.) and (G.) to this Act annexed, and the pages of such book shall be numbered progressively from the beginning to the end.

**LXXIX.** Every Registrar shall inform himself carefully of every birth and of every death which shall happen in his District after the day of next, and shall learn and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered, according to the forms in the said Schedules (F.) and (G.) respectively, touching every such birth and every such death as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

**LXXX.** The father or mother of every child born in the Town, or in case of the death, illness, absence, or inability of the father and mother, the occupier of the house or tenement in which such child shall have been born, shall, within one month next after the day of every such birth, give information to the Registrar of the District, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child. Any person whose duty it shall be to give information to a Registrar under this Section, who shall refuse or neglect to give such information, shall be liable to a penalty not exceeding one hundred Rupees.

**LXXXI.** Some person present at the death, or in attendance during the last illness of every person dying in the Town, or in case of the death, illness, inability, or default of all such persons, the occupier of the house or

tenement, or if the occupier be the person who shall have died, some inmate of the house or tenement in which such death shall have happened, shall, within eight days next after the day of such death, give information to the Registrar of the District, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person. Any person who shall refuse or neglect to give any information which it is his duty to give under this Section, shall be liable to a penalty not exceeding one hundred Rupees.

**LXXXII.** Every person by whom the information contained in any Register of Births or Deaths under this Act shall have been given, shall sign in the Register his name, description, and place of abode; and no such registration shall be deemed to be complete or of any effect until such person shall have so signed it.

**LXXXIII.** At such times and in such manner as shall be directed from time to time by the Justices, an account shall be taken of the number of persons who, at the time of taking such account, shall be within the Town of Calcutta, and the persons employed in taking such account shall set down the several particulars respecting the same which are hereinafter prescribed.

**LXXXIV.** The Chairman shall superintend the taking of such account, and shall cause to be prepared and issued, for the use of the persons to be employed, such forms and instructions as he shall, with the sanction of the Lieutenant-Governor, deem necessary, and all the expenses incurred shall be defrayed out of the Municipal Fund.

**LXXXV.** Each Police division of the Town shall be formed into one or more enumeration Districts.

**LXXXVI.** At such times as shall be appointed under Section LXXXIII. of this Act, and as shall be notified in the Official Gazette by the Lieutenant-Governor of Bengal, every occupier of a dwelling house, or of any part of a dwelling house distinctly occupied, and every person to whom a Schedule, as hereinafter provided, may have been delivered, shall afford such information in regard to all persons who were abiding in his house or in the place under his charge on the night immediately preceding, and in such manner as may, under this Act, be lawfully required of them.

**LXXXVII.** The Chairman shall select a sufficient number of competent persons to act as enumerators; and every such enumerator, under the direction of the Chairman, shall visit every house within his District, except as hereinafter provided, and shall take an account in writing of the name, sex, age, caste, nationality, and occupation of every living person who shall abide therein on the night immediately preceding the day appointed as aforesaid, and shall also take an account of the occupied houses, and the houses then building and therefore uninhabited, and also of all other uninhabited houses



within his District, and in all respects conform to, and obey the instructions which may be issued to him by the Chairman in this behalf.

LXXXVIII. The Chairman, when he may deem such a course to be advisable, may cause a schedule, in such form as shall be sanctioned by the Lieutenant-Governor, to be delivered to any occupier of any dwelling house who he shall have ascertained to be able to write, and such occupier shall fill in all the particulars required in the form on the day to be appointed, and shall deliver the same to such persons as may be duly authorized to demand the same.

LXXXIX. Any Military or Naval Officers in command of bodies of Military or Naval men, or of Vessels of War, or any Master of a Merchant Vessel or Nacodah or Tindal of a vessel or boat, or any person in charge of a Lunatic Asylum, Hospital, or Prison, or of any public or private charitable or scholastic institution, or any keepers of Hotels or Lodging-houses, shall, if required, act as enumerators for the purpose of taking account of persons under their command or charge or abiding in their houses on the night previous to the day to be appointed; every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the Chairman in that behalf.

XC. The Chairman shall obtain, by such ways and means as shall appear to him best adapted for the purpose, and as shall be sanctioned by the Lieutenant-Governor, returns of the particulars required by this Act with respect to all houseless persons and all persons who, during the said night of the day to be appointed, were on outdoor night duty, or for any other reason were not abiding in any house of which account is to be taken by the enumerators.

XCI. All public streets and roads (not being the property and kept under the control of the Government), existing at the time of the passing of this Act, or which shall afterwards be made, and the pavements, stones, and other materials thereof, and also erections, materials, implements and other things provided for such streets and roads, shall vest in and belong to the Justices.

XCII. The Justices, with the consent of the Government of Bengal, may lay out and make new streets and roads, and may build and construct bridges and tunnels; and may turn, divert, discontinue, or stop up, any public street or road; and may widen, open, enlarge, or otherwise improve, any such street or road; making due compensation to the owners and occupiers of any land, houses, or buildings which may be required for any such purposes.

XCIII. In laying out new streets, in addition to the land required for the carriage-ways and foot-ways thereof, the Justices, with the consent of the Government of Bengal, may purchase also the land necessary for the houses and buildings to form the said street, and may sell and dispose of the same with such stipulations and conditions as to the class and description of houses or buildings to be erected

thereon as they shall think fit. Provided that, if any land be taken under the provisions of this Act, compensation shall be made to the owners for any damage which may be done thereby to any adjoining land or buildings of such owner.

XCIV. The Justices, with the consent of the Government of Bengal, may agree with the owners of any land for the absolute purchase thereof for the purpose of laying out and making new streets and roads, or of widening, enlarging, or otherwise improving any of the public streets or roads, or for any other purpose whatever connected with the conservancy or general improvement of the Town.

XCv. The Justices shall, so far as the funds at their disposal will admit, from time to time cause the public streets and roads to be maintained and repaired; and from time to time may cause the same to be paved, metalled, flagged, channelled, sewered, or otherwise improved, and the surface thereof to be raised, lowered, or altered, as they may think fit; and may also make and keep in repair any foot-ways for the use of passengers in any such street or road, and also from time to time place on the sides of such foot-ways or otherwise such fences and posts as may be needed for the protection of foot-passengers.

XCvi. The Justices shall cause the streets, including the foot-ways thereof, to be regularly swept and cleansed; and the dust, dirt, ashes, rubbish, and filth of every sort found thereon, to be collected and removed.

XCvii. The Justices may cause any number of moveable or fixed dust-boxes or other convenient receptacles, wherein dust, dirt, ashes, and rubbish may be temporarily deposited until removed and carried away, to be provided and placed in proper and convenient situations, and may require the occupiers of houses in streets to cause all such matter as aforesaid to be deposited daily or otherwise periodically in the said receptacles. Every person who, after such receptacles have been provided, and after such requisition as above-mentioned, shall deposit, or cause or permit to be deposited, any such matter in any street except in such receptacles, shall be liable to a penalty not exceeding ten Rupees for each offence.

XCviii. Whoever deposits, or permits his servants to deposit, any dust, dirt, dung, ashes, garden kitchen or stable refuse, or filth of any kind, or any animal matter, or any broken glass or earthenware, or other rubbish, in any street or on any public quay, jetty, ghaut, or landing place, or on any part of a river-bank whether above or below high-water mark, except in such places and in such manner and at such hours as shall be fixed by the Justices, shall be liable to a penalty not exceeding ten Rupees for each offence.

XCix. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter belonging to him or being on his land, to run, drain, or be thrown or put upon any street, or causes or allows any offensive matter from

any sewer or privy to run, drain, or be thrown into a surface drain in any street, shall be liable to a penalty not exceeding ten Rupees for each offence.

C. The Justices from time to time may fix the hours within which only it shall be lawful to remove any night-soil or other such offensive matter. When the Justices have fixed such hours and given public notice thereof, whoever removes or causes to be removed along any street any such offensive matter at any time, except within the hours so fixed, and also whoever, at any time, whether such hours have been fixed by the Justices or not, uses for any such purpose any cart, carriage, or other receptacle or vessel not having a covering proper for preventing the escape of the contents thereof, or of the stench therefrom, or who slops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been sloped or spilled, or who places or sets down in any public place any vessel containing such offensive matter, or who drives or takes or causes to be driven or taken any cart, carriage, receptacle, or vessel used for any such purpose as aforesaid, through any street or by any route other than such as shall from time to time be by public notice appointed for that purpose by the Justices, shall be liable to a penalty not exceeding twenty Rupees for each offence.

CI. The Justices, from time to time, shall appoint or provide places convenient for the deposit of the night-soil, dung, and other filth, and the dust, dirt, ashes, and rubbish collected and removed under the authority of this Act; and for keeping all cattle, carts, implements, and other things required for the above or any of the purposes of this Act; and for any of such purposes the Justices may purchase or take on lease any land or buildings by them considered necessary, or may cause any new building to be made upon any land to be purchased or hired by them.

CII. All dirt, dust, ashes, rubbish, sewerage, soil, dung, and filth, collected from the streets, houses, privies, sewers, and cess-pools, shall be the property of the Justices, who shall have power to sell or dispose of the same as they may think proper, and the money arising from the sale thereof shall be applied to the purposes of this Act.

CIII. The Justices, so far as the funds at their disposal will admit, and so far as they may deem requisite for the public convenience, shall cause the public streets and roads to be watered; and for that purpose may provide such works and engines as they may think necessary.

CIV. Whoever builds any wall, or erects or sets up any fence, rail, post, or other obstruction or encroachment, in any public street or road, or in or over any open drain, sewer, or aqueduct along the side of any such street or road after the passing of this Act, shall be liable to a penalty not exceeding one hundred Rupees; and the Justices shall have power to remove any such obstruction or encroachment; and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as hereinafter

provided. Nothing herein contained shall prevent the Justices, with the concurrence of the Commissioner of Police, from allowing any temporary erections in any public street or road on occasions of festivals and ceremonies.

CV. Whoever displaces, takes up, or makes any alteration in the pavement, flags, or other materials, or in the fences or posts of any public street, without the consent in writing of the Justices, or without other lawful authority, shall be liable to a penalty not exceeding fifty Rupees.

CVI. Every person who wishes to make or lay out any new streets, shall give notice in writing thereof to the Justices, shewing the intended level and width of such street; and the level and width of every such street shall be fixed or approved by the Justices; and whoever lays out, makes, or builds upon, any such street, otherwise than in accordance with the level and width so fixed or approved, shall be liable to a penalty not exceeding five hundred Rupees; and the Justices may, if they think fit, cause any such street, laid out or made at a level or width otherwise than in accordance with the level or width so fixed or approved as aforesaid, to be altered; or may cause any building erected in any such street otherwise than in accordance with such level and width, to be altered, or if necessary removed, and the expenses thereby incurred shall be paid to them by the offender and be recoverable as hereinafter provided. If no such level or width be fixed, and no approval or disapproval of the level or width proposed be signified by the Justices within one month, the intended street may be laid out and made upon the level and of the width specified in the notice.

CVII. It shall not be lawful for any person to erect, in or near any street, any hut or any range or block of huts on any plot or parcel of ground not previously built upon or on which no huts are standing, without previous notice to the Justices; and the Justices may require such hut or huts to be built so that they may stand in regular lines with a free passage or way in front of each line, of such width as the Justices may think proper for salutary ventilation, and to facilitate scavengering, and at such a level as will admit of sufficient drainage. And if any such hut or huts be built without giving such notice to the Justices or otherwise than as required by the Justices, the Justices may give notice to the builder or builders thereof to take down and remove the same within one month, and if such hut or huts be not taken down or removed according to such notice, the Justices may cause the same to be taken down and removed, and the expense incurred in doing so shall be paid by the said builder or builders, and shall be recoverable as hereinafter provided.

CVIII. Whenever the Justices are satisfied, from inspection or by report of competent persons, that any existing block of huts, in or near any street, is by reason of the manner in which the huts are huddled together, or of the want of drainage and the impracticability of scavengering, attended with risk of disease to the



inhabitants or the neighbourhood, they may, with the consent of the Government of Bengal, cause a notice to be fixed to some conspicuous part of such block of huts, requiring the owners or occupiers thereof, or, at the option of the Justices, the owner of the land on which such huts are built, within a reasonable time to be fixed by the Justices for that purpose, to execute such operations as the Justices with such consent as aforesaid may deem necessary for the avoidance of such risk. And in case such owners or occupiers, or the owner of the land, shall refuse or neglect to execute such operations within the time appointed, the Justices may cause the said huts to be taken down, or such operations to be performed in respect of such huts as the Justices may deem necessary to prevent such risk. If such huts be pulled down, the Justices shall cause the materials of each hut to be sold separately, if such sale can be effected; and the proceeds shall be paid to the owner of the hut, or if the owner be unknown, or the title disputed, shall be held in deposit by the Justices until the person interested therein shall obtain the order of a competent Court for the payment of the same. The Calcutta Court of Small Causes shall be deemed a competent Court for that purpose.

CIX. If any street (not being a public street), paving, &c., of or any part thereof, be not private streets. levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Justices, they may, by notice in writing to the respective owners or occupiers of the premises fronting, adjoining, or abutting upon, such parts thereof as may need to be levelled, paved, metalled, flagged, channelled, and sewered, require them to level, metal, pave, flag, channel, and sewer the same within a time to be specified in such notice, and upon non-compliance the Justices may, if they think fit, execute the works mentioned or referred to therein: and the expenses incurred by them in so doing shall be paid by the owners in default according to the frontage of their respective premises, and in such proportion as shall be settled by the Justices, or in case of dispute, as shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses; and such expense shall be recoverable as hereinafter provided. Provided always that, after such street shall have been so

levelled, paved, metalled, flagged, channelled, and sewered, on the requisition of the Justices, or by the Justices as aforesaid, at the expense of the owners, such owners shall have a right to require that the street shall be declared a public street, to be from time to time repaired by the Justices out of the funds at their disposal for the purposes of this Act.

CX. If any street (not being a public street) be levelled, paved, metalled, Certain streets to be deemed public and repaired by the Justices. flagged, channelled, and sewered to the satisfaction of the Justices, they may, if they think fit, by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street, and be from time to time repaired by them out of the funds at their disposal. Provided that no street shall become a public street as last

aforesaid if within one month after such notice in writing, the owner of such

street, or any one of the owners, shall, by notice in writing to the Justices, object thereto.

CXI. The Justices may, upon such terms as they think fit, allow any house or building to be set forward for improving the line of any public street in which such house or building is situated.

CXII. When any house or building, any part of which projects beyond the regular line of a public street, or beyond the front of the house or building on either side thereof, has been taken down in order to be re-built or altered, the Justices may require the same to be set back to or towards the line of the street or the line of the adjoining houses or buildings. Provided always that the Justices shall make full compensation to the owner of any such house or building for any damage he may thereby sustain; and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

CXIII. The Justices shall, from time to time, cause to be put up or painted on a conspicuous part of some house, building, wall, or place at or near each end, corner, or entrance of every street, the name by which such street is to be known; and whoever destroys, pulls down, or defaces any such name, or puts up any name different from that put up by order of the Justices, shall be liable to a penalty not exceeding twenty Rupees.

CXIV. The Justices may, from time to time, fix a number in a conspicuous place on the outer side of any house or building, or at the entrance of the enclosure thereof fronting the street; and whoever destroys, pulls down, or defaces any such number, shall be liable to a penalty not exceeding twenty Rupees.

CXV. All doors, gates, bars, and ground-floor windows put up after the passing of this Act, which open upon any public streets, shall be hung or placed so as not to open outwards; and if any such door, gate, bar, or window be hung or placed so as to open outwards on any such street, the owner of the premises to which the same is attached shall, within eight days after notice from the Justices to that effect, cause the same to be altered so as not to open outwards, and in case he neglects so to do, the Justices may make such alteration, and the expense thereof shall be paid by such owners, and shall be recoverable as hereinafter provided.

CXVI. If any door, gate, bar, or ground-floor window put up before the passing of this Act is hung or placed so as to open outwards upon any public street, the Justices may alter the same, so that no part thereof, when open, shall project over any such street so as to cause an obstruction, and the expense thereof shall be paid by the owners and be recoverable as hereinafter provided.

CXVII. The owner of every house or building in any public street shall, within eight days after notice from the Justices to that effect, put

Troughs and pipes to be fixed to houses.

up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such house or building, and for discharging the same in such manner that it shall not fall upon the persons passing along the street; and in default of compliance with such notice within the period aforesaid, such owner shall be liable to a penalty not exceeding ten Rupees for every day that he shall so make default.

**CXVIII.** The Justices may give notice in writing to the owner or occupier of any house or building to remove or alter any projection, encroachment, or obstruction, which, after the passing of this Act shall be erected or placed against or in front of such house or building, if the same overhangs, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any public street, or obstructs or projects or encroaches into or upon any uncovered aqueduct, drain, or sewer in such street; and such owner or occupier shall, within fourteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Justices, and in default thereof shall be liable to a penalty not exceeding two hundred Rupees; and the Justices in such case may remove such projection, encroachment, or obstruction; and the expense of such removal shall be paid by the owner or occupier so making default, and shall be recoverable as hereafter provided. Provided that, when the expense shall have been paid by the occupier, except in the case

**Proviso.** in which such projections, encroachments, or obstructions were made or put up by him, such occupier shall be entitled to deduct the expense of removing or altering the same from the rent payable by him to the owner of the house or building. Provided always that the roofs or eaves of houses or buildings, sun-shades, weather-frames, and the like, at a height not less than twelve feet above the surface of any street, may be projected to the extent of three feet over the same.

**CXIX.** The Justices may cause any such projection, encroachment, or obstruction, erected or placed against or in front of any house or building, in any public street, before the passing of this Act, to be removed or altered as they think fit; provided that they

**Notice of removal.** give notice of such intended removal or alteration to the occupier of the house or building against or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun; and if such projection, encroachment, or obstruction shall have been lawfully made,

**Compensation when to be made.** they shall make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

**CXX.** The Justices may give permission in writing to the owners or occupiers of houses or buildings in public streets, the width of

which is not less than twenty-five feet, to put up verandahs, balconies, sun-shades, weather-frames and the like, to project from any upper-story thereof over the street, to an extent not exceeding four feet from the foundation, and for special reasons to allow such projections to be extended to five feet.

**CXXI.** The external roofs and walls of huts or other buildings erected or renewed in or near any street, after the passing of this Act, shall not be made of grass, leaves, mats, or other such inflammable materials; and it shall not be lawful for the owner of any hut or other building in or near any street now having an external roof or wall made of any such material, and which is contiguous to or adjoining to any other building, to suffer such roof or wall to remain after the passing of this Act, unless with the consent in writing of the Justices; and whoever makes any external roof or wall of such materials, or suffers any roof or wall made of such materials to continue contrary to the provisions herein contained, and who shall not remove or alter the same within one month after notice given to him for that purpose by the Justices, shall be liable to a penalty not exceeding ten Rupees for every day that such roof or wall shall continue. Any person may give information and institute a prosecution before a Magistrate under this Section.

**CXXII.** If, in any street, any house, building, or wall, or any thing affixed thereon, be deemed by the Justices to be in a ruinous state or likely to fall, or in any way dangerous to the inhabitants of such house or building, or to the neighbouring houses or buildings, or to the occupiers thereof, or to passengers, they shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers; and shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door or other conspicuous part of the said premises or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice, and complete such work with due diligence, the Justices shall cause all or so much of such house, building, wall, or thing as they shall think necessary, to be taken down, repaired, or otherwise secured; and all the expenses incurred by the Justices shall be paid by the owner of the premises, and shall be recoverable from him as hereinafter provided.

**CXXIII.** If any such house, building, or wall, or any part of the same be pulled down by virtue of the powers aforesaid, the Justices may sell the materials thereof or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any overplus arising from such sale to the owner of such house, building, or wall, on demand. The Justices, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the



payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as by this Act are given to them for compelling the payment of the whole of the said expenses.

**CXXIV.** If any building or land, by reason of abandonment or of disputed ownership or other cause, shall remain untenanted, and thereby become a resort of idle and disorderly persons, or be complained of by any two or more of the neighbours as a nuisance, the Justices, after due enquiry, may cause notice in writing to be given to the owner, or to the person claiming to be the owner if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door of the building or some conspicuous part of the premises, requiring the persons concerned therein, whoever they may be, to secure or enclose the same; and if such notice shall not be complied with within eight days, the Justices shall cause the necessary work to be executed, and all expenses thereby incurred shall be paid by the owner of the premises and shall be recoverable as hereinafter provided.

**CXXV.** Whoever, being the occupier of a house in or near any street, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth, or any noxious or offensive matter, in or upon the roof of such house, or in any out-house, yard, or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom and to cleanse and purify the same, shall be liable to a penalty not exceeding fifty Rupees for each offence.

**CXXVI.** Whoever, being the owner or occupier of any house, building, or land, in or near any street, whether tenanted or otherwise, suffers the same to be in a filthy and unwholesome state, or overgrown with vegetation, shall be liable to a penalty not exceeding fifty Rupees, and to a penalty not exceeding ten Rupees for every day after conviction for such offence during which the offence is continued.

**CXXVII.** The Justices may give notice to the owner or occupier of any land to trim or prune the hedges thereof bordering any public road or street, so that they may not exceed the height of seven feet from the level of the road; and to cut and trim all trees which by overhanging any public road or street obstruct the passage or cause damage thereto; and in the event of such notice not being complied with within eight days from the date thereof, the Justices may cause the said hedges and trees to be cut and trimmed in the manner required, and the expense incurred by the Justices in respect thereof shall be paid to them by the owners, and shall be recoverable as hereinafter provided.

**CXXVIII.** Whoever keeps any pig-stye to the front of any street, not being shut out therefrom by a sufficient wall or fence, or whoever shall keep any swine in or near any street, so as to be a nuisance to the

neighbourhood, or who shall, without the permission of the Justices, keep more than twenty sheed or goats, or ten horned cattle, in or near any street, shall be liable to a penalty not exceeding fifty Rupees.

**CXXIX.** All public sewers and drains, and all sewers, drains, tunnels, and culverts, in, alongside, or under the streets and roads existing at the time of the passing of this Act, or afterwards made, and whether made at the cost of the Justices or otherwise, and all works, materials, and things appertaining thereto, shall be vested in and belong to the Justices.

**CXXX.** The Justices, in making any main or other sewers for the drainage of the Town of Calcutta, may, if needful, carry such sewers through, across, or under any street, or any place laid out as or intended for a street, or any cellar or vault which may be under any of the streets, and (after reasonable notice in writing in that behalf) into, through or under any inclosed or other land whatsoever, making full compensation for any damage done thereby; and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

**CXXXI.** The Justices shall maintain, and from time to time repair and as they see fit enlarge, alter, arch-over or otherwise improve, all or any of the sewers and drains vested in them by this Act; and may discontinue, close up, or destroy such of them as they may deem useless or unnecessary. Provided always that the discontinuance, closing up, or destruction of any sewer or drain, shall be so done as not to create a nuisance; and if, by reason thereof or of any such alteration as hereinbefore mentioned, any person is deprived of the lawful use of any sewer or drain, the Justices shall, with due diligence, provide some other sewer or drain as effectual for his use as the one of which he is so deprived.

**CXXXII.** The Justices shall, so far as the funds at their disposal will admit, cause the sewers and drains belonging to them to be so constructed, maintained, and kept, as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied; and for the purpose of flushing, cleansing, and emptying the same, they may construct and place, either above or underground, such reservoirs, sluices, engines, and other works as may be necessary; and they may also, with the sanction of the Government of Bengal, cause all or any of such sewers and drains to communicate with and be emptied into any tidal river or other fit place, or cause the refuse from such sewers and drains to be conveyed by a proper channel to the most convenient site for its deposit, and may sell the same for any agricultural or other purposes as may be deemed most expedient, but so that the same shall not become a nuisance.

**CXXXIII.** When the contents of any sewer or drain or any other flow or filth or refuse are discharged into any river or stream, in the bed or channel of which the quantity of water at any season of the year is so much diminished by natural or artificial causes as to be insufficient to keep such channel clean or clear, the Justices, with the sanction of the Government of Bengal, so far as the funds at their disposal will admit, shall make such alteration in the bed of such river or stream as may prevent such sewer and drain-water from spreading over the surface of such bed, or from accumulating and stagnating in parts thereof to the injury of health or the annoyance of the surrounding population.

**CXXXIV.** Whoever, without the written consent of the Justices first obtained, makes or causes to be made any drain into any of the sewers or drains vested in the Justices by this Act, shall be liable to a penalty not exceeding two hundred Rupees; and the Justices may cause such branch-drain to be demolished, altered, re-made, or otherwise dealt with as they think fit; and all the expense incurred thereby shall be paid by the person making such branch-drain, and shall be recoverable as hereinafter provided.

**CXXXV.** No building shall be newly erected over any sewer or drain vested in the Justices by this Act, without their written consent; and if any building be so erected, the Justices may cause such building to be pulled down, or otherwise dealt with as they may think fit; and the expenses thereby incurred shall be paid by the person offending, and be recoverable as hereinafter provided.

**CXXXVI.** If any house or building, in or near any street, be at any time not drained to the satisfaction of the Justices by a sufficient drain or pipe communicating with some sewer, or some tidal river or other place at which the Justices are empowered to empty their sewers, the Justices may construct or lay from such house or building a covered drain or pipe of such materials, of such size, at such level, and with such fall, as they think necessary for the draining of such house or building; and the expenses incurred by the Justices in respect thereof, if not forthwith paid by the owner, shall be recoverable as hereinafter directed.

**CXXXVII.** No house or building shall be hereafter built in or near any street upon a lower level than will allow of the drainage of such house or building being led into some public sewer either then existing or projected by the Justices, or into some tidal river or other place into which the Justices are empowered to empty their sewers.

**CXXXVIII.** If any house or building, newly erected or re-built in or near any street after the passing of this Act, have such means of drainage as in the last preceding Section mentioned, existing within one hundred feet thereof, the owner shall make a drain leading thereunto

from the site of such house or building, of such materials, of such size, at such level, and with such fall as the Justices may direct; and if he neglect to do so within a reasonable time, the Justices may cause the same to be done, and the expenses thereby incurred shall be paid by the owner and shall be recoverable as hereinafter provided.

**CXXXIX.** Before beginning, in or near any street, to build or re-build any house, the person intending to build or re-build such house shall give to the Justices notice thereof in writing, and shall accompany such notice with a plan showing the levels at which the foundation and lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Justices.

**CXL.** Within fourteen days after receiving such notice, the Justices shall signify their approval of the proposed levels, or if they disapprove thereof they shall fix other levels in lieu thereof within the same time.

**CXLI.** If such building be begun or made without sending such notice and plan, or at any levels different from those fixed by the Justices within the said fourteen days, or in any other respect contrary to the provisions of this Act, the Justices may, if necessary, cause such building to be altered, or demolished as the case may require; and the expense thereby incurred shall be paid by the person failing to comply with the provisions aforesaid, and shall be recoverable as hereinafter provided.

**CXLII.** If the Justices fail to signify in writing their approval or disapproval of the levels shown on such plan as aforesaid, and to fix other levels within fourteen days after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding any thing hereinbefore contained, proceed to build or re-build the house therein referred to according to the levels shown on such plan, provided that such building or re-building be otherwise in accordance with the provisions of this Act.

**CXLIII.** All sewers and drains in streets, whether public or private, shall be provided by the Justices or by the persons to whom they severally belong, with proper traps or other coverings or means of ventilation so as to prevent stench. If the owner of any private sewer or drain shall, for ten days after notice given to him by the Justices, neglect or delay to provide proper traps or coverings or means of ventilation as aforesaid, the Justices may forthwith provide and apply the same; and the expense incurred thereby shall be paid by the owner of such sewer and drain, and shall be recoverable as hereinafter provided.

**CXLIV.** The Justices may erect on, or fix to any house or building, such pipes as they may deem necessary for the proper ventilation of the sewers belonging to them, and such pipes shall be carried to a height of not



less than six feet above the highest part of the house or building, and erected so as not to occasion any nuisance or inconvenience to any house or building in the neighbourhood.

CXLV. Whoever throws or puts, or permits his servants to throw or put, any earth, dirt, ashes, garden kitchen or stable refuse, or any broken glass or earthen-ware, or other rubbish, or, until suitable sewers shall be provided, any night-soil, into any sewer or drain belonging to any of the Justices or into any drain communicating therewith, shall be liable to a penalty not exceeding fifty Rupees for each offence.

CXLVI. The Justices may provide and maintain in proper and convenient situations, so as not to create a nuisance, common necessities and urinals, and shall cause the same, when provided, to be kept in proper order and to be daily cleansed.

CXLVII. The Justices may license, for any period not exceeding one year, such necessities for public accommodation as they, from time to time, may think proper; and whoever keeps any public necessary without such license, or, having a license for a public necessary, suffers the same to be in a filthy or noxious state, or neglects to employ proper means for cleaning the same, shall be liable to a penalty not exceeding one hundred Rupees; and the license may be cancelled by the Magistrate before whom the person is convicted.

CXLVIII. The owner or occupier of any house or building having a privy erected on his premises, shall have such privy shut out by a sufficient wall or fence from the view of persons passing by. In neglect of this provision he shall be liable to penalty of ten Rupees a day for each day of default.

CXLIX. All branch drains, as well within as without the lands or buildings to which they belong, and all privies and cess-pools in or near any street, shall be under the survey and control of the Justices, and shall be altered, repaired, and kept in proper order at the costs and charges of the owners of the lands and buildings to which the same belong, or for the use of which they are constructed or continued; and if the owner of any land or buildings to which any such drain, privy, or cess-pool belongs, neglect, during eight days after notice in writing for that purpose, to alter, repair, and put the same into good order in the manner required by the Justices, the Justices may cause such drain, privy, or cess pool to be altered, repaired, and put in good order, and the expense incurred by the Justices in respect thereof, shall be paid by the owner, and shall be recoverable as hereinafter provided.

CL. If any such drain, privy, or cess-pool be constructed after the passing of this Act, contrary to the directions and regulations of the Justices or contrary to the provisions of this Act, or if any person, without the consent of

the Justices, constructs, re-builds, or unstops, any drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, every person so doing shall be liable to a penalty not exceeding fifty Rupees; and the Justices may cause such amendment or alteration to be made in any such drain, privy, or cess-pool as they think fit; and the expense thereof shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, re-built, or unstopped, and shall be recoverable from him as hereinafter provided.

CLI. The Justices or any Officer appointed by them for the purpose may inspect any such drain, privy, or cess-pool, and for that purpose, at any time between sunrise and sunset, after twenty-four hours notice in writing to the occupier of the premises to which such drain, privy, or cess-pool is attached, may enter upon any lands and buildings with such assistants and workmen as are necessary, and cause the ground to be opened where they or he may think fit, doing as little damage as may be, and if, upon such inspection, it appears that the drain, privy, or cess-pool is not in good order and condition, or that it has been constructed after the passing of this Act contrary to the provisions thereof, the expenses of such inspection shall be paid by the person to whom such drain, privy, or cess-pool may belong; but if the drain, privy, or cess-pool be found to be in proper order and condition and not to have been constructed in violation of the provisions of this Act, the Justices or Officer as aforesaid shall cause the ground to be closed and made good as soon as may be; and the expenses of opening, closing, and making good such drain, privy, or cess-pool shall, in that case, be defrayed by the Justices. Provided always that nothing hereinbefore contained shall authorize an entry into the zenanas or private apartments appropriated to the females of Hindoo and Mussulman families for the purpose of such inspection, except by the agency of women.

CLII. Where any notice is required by this Act to be given to the owner or occupier of any building or land, such notice, addressed to the owner or occupier as the case may require, may be served on the occupier of such building or land, or left with some adult male member or servant of his family, or, if the notice cannot be so served, or if there be no occupier, may be put up on some conspicuous part of such building or land, and it shall not be necessary in any such notice to name the occupier or the owner. Provided always that, when the owner and his residence are known to the Justices, it shall be their duty, if such owner be residing within the limits of their authority, to cause every notice, required to be given to the owner of any building or land, to be served on such owner or left with some adult male member or servant of his family; and, if the owner be not resident within such limits, they shall send every such notice by Post addressed to his residence, and proof of delivery of the notice at the Post Office shall be held to be due service of the same.

CLIII. If owners neglect, Justices may cause the same to be done and charge the owners with the expense.

CLIV. If owners neglect, Justices may cause the same to be done and charge the owners with the expense.

CLV. If owners neglect, Justices may cause the same to be done and charge the owners with the expense.

Penalty for persons making or altering drains, &c., contrary to the orders of the Justices.

CLIII. Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such works, the Justices, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expense thereby incurred shall be paid to them by the person by whom such work ought to have been executed, and shall be recoverable as hereinafter provided.

CLIV. If the defaulter be the owner of the building or land, the Justices may, by way of additional remedy, whether any action or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or at any time thereafter occupies the building or land under such owner, and, in default of payment thereof by such occupier on demand, the same may be levied by distress of the goods and chattels of such occupier; and every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as is so paid by or recovered from him in respect of any such expenses.

CLV. Except in cases falling under Section LXVI of this Act, no occupier of any building or land shall be liable to pay more money, in respect of any expenses charged by this Act on the owner thereof, than the amount of rent due from him for the premises in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand has accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the Justices, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall lie upon such occupier; provided further that nothing herein contained shall be taken to affect any special contract made between any such owner or occupier respecting the payment of the expenses of any such works as aforesaid.

CLVI. Whenever default is made by the owner of any building or land, in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the Justices, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

CLVII. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, any Magistrate, upon proof thereof, may give an order

in writing requiring such occupier to permit the owner to execute all such works with respect to such building or land as may be necessary for carrying into effect the provisions of this Act; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such works, such occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding fifty Rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

CLVIII. All public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works, existing at the time of the passing of this Act, or afterwards made or erected and whether made or erected at the cost of the Justices or otherwise, and all bridges, buildings, engines, works, materials, and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, shall be vested in and belong to the Justices.

CLIX. The Justices shall cause all existing public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works used for the supply of water to the inhabitants or for the other purposes mentioned in this Act, to be continued, maintained, and supplied with water; or they shall substitute other such works and shall cause them to be maintained and supplied with water; and the Justices may, with the consent of the Government of Bengal, from time to time construct aqueducts for bringing water into the Town of Calcutta, and may provide any number of new tanks, reservoirs, cisterns, wells, and other such water-works for the purposes aforesaid.

CLX. Whoever, except as permitted by the Justices under Section CLXIII, bathes in any stream, tank, reservoir, well, cistern, conduit, or aqueduct belonging to the Justices; or washes or causes to be washed therein, any horse, dog, or other animal, or any wool, cloth, or wearing apparel, or any utensils for cooking or other purposes, or leather, or the skin of any animal, or other foul or offensive thing; or throws, puts, or casts, or causes to enter therein, any animal or any gravel, stone, dust, or rubbish, or any dirt, filth, or other noisome or offensive matter or thing; or causes or suffers to run, drain, or be brought thereinto, the water of any sink, sewer, drain, engine, or boiler, or any other unwholesome or offensive liquid matter or thing belonging to him or flowing from any house or building or from any ground occupied by him; or does any thing whatsoever whereby any such water shall be in any degree fouled or corrupted, shall be liable to a penalty not exceeding fifty Rupees for each offence.

CLXI. Whoever, being the proprietor of any gas-works, or being engaged or employed in the manufacture or supply of gas, or being the occupier or proprietor of any place where an



offensive trade or manufacture is carried on, wilfully does any act connected with the said business, whereby the water in any stream, tank, reservoir, well, cistern, conduit, aqueduct, or other water-works belonging to the Justices is fouled or corrupted, shall be liable to a penalty not exceeding one thousand Rupees, and to a further penalty, not exceeding five hundred Rupees, for every day while the offence is continued after twenty-four hours' notice in writing from the Justices in this behalf, and the Justices may, after twenty-four hours' notice in writing, lay open and examine any pipes, conduits, and works belonging to such person; and if, upon such examination, it appears that the water has been fouled or corrupted by any thing proceeding from or contained in the pipes, conduits, or works examined, the expenses of such examination shall be paid by the person to whom such pipes, conduits, or works belong, or under whose management or control they may be, and be recoverable from him as hereinafter provided; but if it appear that the water has not been so fouled or corrupted, then such expenses, and all damages occasioned by the examination, shall be paid by the Justices.

**CLXII.** Whoever wilfully or carelessly injures any water-works belonging to the Justices, or unlawfully draws off, diverts, or takes water from any such water-works, or from any waters or streams belonging to the Justices by which such water-works are supplied, shall be liable to a penalty not exceeding one hundred Rupees.

**CLXIII.** The Justices may, at their discretion set apart any public ghaut or place, or any part of the strand of any river (not being private property), for the purpose of being used as a bathing place; and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in, and may also set apart tanks or reservoirs, or runs of water for washing animals or clothes or for any other purposes connected with the health, cleanliness, and comfort of the inhabitants.

**CLXIV.** The Justices may, in the manner hereinafter provided, make bye-laws—

For regulating all or any matters and things whatsoever connected with the water to be supplied by them, and the use of such water for any of the purposes mentioned in this Act—

And for regulating the time and place of bathing for persons of each sex in the places provided or appointed by them for the purpose of bathing, in such manner as shall appear to the Justices necessary, making due allowance for the habits and customs of the country.

**CLXV.** When any private tank or low marshy ground, or any waste or stagnant water, being within any private enclosure, appears to the Justices to be injurious to health, or to be offensive to the neighbourhood, it shall be lawful for the Justices to require, by notice in writing, the owner of the said premises to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water; and if he

shall refuse or neglect to comply with such requisition during eight days from the service thereof, the Justices, their Officers, and workmen, may enter into the said premises and do all necessary acts for all or any of the purposes aforesaid as they shall think fit; and the expense incurred thereby shall be paid by the owner of such premises, and shall be recoverable as hereinafter provided.

**CLXVI.** The Justices are hereby empowered, Power to drain off from time to time as they shall and cleanse stagnant see fit, to drain off into any pools in open places. sewers belonging to them and cleanse and fill up or otherwise abate any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to them to be useless or unnecessary or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or otherwise; and the Justices, their Officers, and workmen, may do all necessary acts for effecting any of the purposes aforesaid.

**CLXVII.** The Justices, in executing any works directed or authorized by this Act to be made, shall provide and make, at their own expense, a sufficient number of convenient ways, water-courses, drains, and channels in the place of such as may be interrupted, injured, or rendered useless by reason of the execution of such works; and, in case of any difference arising between the Justices respectively and the persons affected thereby, such difference shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

**CLXVIII.** When the pavement or surface of any street, or when any sewer or drain, shall be opened or broken up by the Justices, their Officers or servants, they shall, with all convenient speed, complete the work on account of which the same shall have been broken up, and fill in the ground and make good the pavement and surface, and the sewer or drain, so opened or broken up, and carry away the rubbish occasioned thereby; and shall, in the meantime, cause the place where such pavement or surface shall be so opened or broken up, to be fenced and guarded, and sufficiently lighted during the night.

**CLXIX.** If the Justices deem it necessary for the purposes of this Act to raise, sink, or otherwise alter the situation of any water-pipe or gas-pipe, or other water-works or gas-works laid in any of the streets, they may, from time to time, by notice in writing, require the person to whom any such pipes or works belong or under whose control they may be, to cause forthwith, or as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position in such manner as the Justices direct; provided that such alteration be not such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering, and full compensation for the damage done thereby, shall be paid by the Justices, as well to the persons to whom such pipes or works belong as

to all other persons. And if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

CLXX. If the person to whom any such pipes or works belong or under whose control they may be, do not proceed forthwith, or as soon as conveniently may be after the receipt of such notice, to cause the same to be raised, sunk, or altered, in such manner as the Justices require, the Justices may themselves cause such pipes or works to be raised, sunk, or altered as they think fit; provided that such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

CLXXI. Every person intending to build or take down any building or to alter or repair the outward part of any building where any street or footway will be obstructed or rendered inconvenient by means of such work shall before beginning the same, and having first obtained a license in writing from the Justices so to do, cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on, from the street or footway, and shall continue such hoard or fence standing and in good condition, to the satisfaction of the Justices during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night; and every such person who begins to build, or take down, or alter, or repair, any building contrary to the provisions of this Section, or who, without license, erects or sets up any boards, scaffolding, or fence whatsoever, or who, being licensed, fails to put up such fence or hoard, or to continue the same standing and in good condition as aforesaid during the time aforesaid, or who does not, while the said boards or fences are standing, keep the same sufficiently lighted during the night, or who does not remove the same when directed by the Justices within eight days, shall be liable to a penalty not exceeding fifty Rupees, and a further penalty not exceeding fifty Rupees for every day while the offence is continued after twenty-four hours' notice from the said Justices.

CLXXII. The Justices shall, during the construction or repair by them of any of the streets, sewers, or drains vested in them, take proper precaution for guarding against accident, by shoring up and protecting the adjoining houses, and shall cause such bars, chains, or posts to be fixed across or in any of the streets or roads to prevent the passage of carriages, carts, or other vehicles, cattle or horses, while such works are carried on, as to them shall seem proper; and the Justices shall cause any sewer or drain or other works in streets, during the construction or repair thereof by them, to be sufficiently lighted and guarded during the night; and whoever takes down, alters, or removes any of the said bars, chains, or posts, or extinguishes any light, without the authority or consent of the Justices, shall be liable to a penalty not exceeding fifty Rupees.

CLXXIII. No persons shall deposit any building materials, or make a hole in any street, without the permission of the Justices; and when such permission is granted to any person he shall, at his own expense, cause such materials, or such hole, to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure; and shall cause the same to be sufficiently lighted during the night; and whoever deposits materials or makes a hole without such permission, or fails to fence or enclose and light such materials or hole, or does not remove such materials or fill up such hole when the permission has been withdrawn, shall be liable to a penalty not exceeding fifty Rupees, and a further penalty not exceeding fifty Rupees for every day while the offence is continued after twenty-four hours' notice from the Justices.

CLXXIV. If any building, tank, well, or hole, or other place, be, for want of sufficient repair, protection, or enclosure, dangerous to passengers, the Justices shall cause the same to be repaired, protected, or enclosed so as to prevent danger therefrom; and the expenses of such repair, protection, or enclosure shall be paid to the Justices by the owner of the property so repaired, protected, or enclosed, and shall be recoverable as hereinafter provided.

CLXXV. Within the parts of the Town of Calcutta which (if any) shall be specially prescribed for the purpose by the Government of Bengal, every place used as a slaughter-house shall, within one month after the passing of this Act, be registered by the owner or occupier at the Office of the Justices in a book to be kept by them for that purpose; and whoever, after the expiration of that time and after eight days' notice from the Justices, uses or permits to be used any slaughter-house without its being registered, shall be liable to a penalty, not exceeding one hundred Rupees, for every day during which such place shall be so used without having been registered.

CLXXVI. No place not so used at the time of the passing of this Act, or which shall at any time subsequent to the passing of this Act cease to be so used, shall be used as a slaughter-house within the prescribed limits, unless and until a license in writing for the use thereof as a slaughter-house has been obtained from the Justices, who are hereby empowered, at their discretion, from time to time, to grant such licenses; and whoever, without such license, uses as a slaughter-house any place within such limits, not used as such at the time of the passing of this Act, or which shall at any time subsequent to the passing of this Act cease to be so used, shall be liable to a penalty not exceeding two hundred Rupees, and to a penalty, not exceeding fifty Rupees, for every day after the conviction for such offence, during which the said offence is continued.

CLXXVII. The Justices may, from time to time, if they shall think fit, with the sanction of the Government of Bengal, provide places for the purpose of being used as slaughter-houses, and they are hereby



empowered to make bye-laws for and with respect to the management and charges for the use of such places.

**CLXXVIII.** Every owner, or occupier, or farmer of any market for the sale of butcher's meat, poultry, fish, or vegetables, or of any slaughter-house within the prescribed limits, shall cause such drains to be made therein as shall be considered sufficient by the Justices, and (if required so to do by the Justices) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided sufficient for keeping such market or slaughter-house in a clean and wholesome state; and if such owner, occupier, or farmer, after notice in writing given to him by the Justices that such market or slaughter-house is defective in any of the said particulars, and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a penalty, not exceeding fifty Rupees for every day during which such default is continued.

**CLXXIX.** The Justices may, in manner hereinafter provided, make bye-laws for the inspection of all such markets and of all slaughter-houses within the prescribed limits, and for the management and conduct of the business therein, and for keeping the same in a cleanly and proper state, and for removing filth at least once in every twenty-four hours.

**CLXXX.** It shall be lawful for any Magistrate, on the application of the Justices or any of their Officers setting forth that there is just cause to believe that any article which has been rendered or has become noxious or unfit for use as food or drink for man is in the possession of any person for the purpose of being sold or offered or exposed for sale within the Town as food or drink for man, to grant a warrant to enter upon the premises of such person, and to search for and seize such article, and if it appear to the Magistrate, upon the evidence of a competent person, that the same is noxious or unfit for such use, he shall order such article to be forfeited and disposed of in such way as to him shall seem proper.

**CLXXXI.** The Justices or any person appointed by them for that purpose may at all reasonable times, with or without assistants, enter into and inspect any market, building, shop, stall, or place used for the sale of butcher's meat, poultry, fish, or vegetables, or as a slaughter-house, and may examine any animal, carcase, meat, poultry, game, flesh, fish, or vegetables which may be therein; and in case any animal, carcase, meat, poultry, game, flesh, fish, or vegetables appear to be intended for the food of man and to be unfit for such food, may seize the same; and if it appear to a Magistrate, upon the evidence of a competent person, that such animal, carcase, meat, poultry, game, flesh, fish, or vegetables is unfit for the food of man, he shall order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such food, and the owner thereof, or the person in whose possession the same is found, shall be liable to a penalty not exceeding one hundred Rupees.

**CLXXXII.** The Magistrate, before whom any person is convicted of an offence contrary to the provisions of this Act relating to slaughter-houses, or of the non-observance of any of the bye-laws relating thereto made by virtue of this Act, in addition to the penalty imposed on such person under the authority of this Act, may suspend, for any period not exceeding two months, the license granted to such person under this Act; or in case such person be the owner or occupier of any registered slaughter-house, may forbid for any period not exceeding two months the slaughtering of cattle therein; and the Magistrate, upon the conviction of any person for a second or other subsequent like offence, in addition to the penalty imposed under the authority of this Act, may declare the license granted under this Act revoked, or if such person be the owner or occupier of any registered slaughter-house, may forbid absolutely the slaughtering of cattle therein.

**CLXXXIII.** Whoever, during the period for which any such license is suspended or after the same is revoked as aforesaid, slaughters cattle, or allows cattle to be slaughtered in the slaughter-house to which such license relates, and whoever, during the period that the slaughtering of cattle in any such registered slaughter-house is forbidden as aforesaid, or after such slaughtering has been absolutely forbidden therein slaughters cattle, or allows cattle to be slaughtered, in any such registered slaughter house, shall be liable to a penalty not exceeding one hundred Rupees for every day after the conviction for such offence during which the said offence is continued.

**CLXXXIV.** Within the parts of the Town of Calcutta (if any) which may be specially prescribed by the Government of Bengal for the purpose, the owner or occupier of every place used at the time of the passing of this Act for any of the following purposes, namely, for melting tallow—or for boiling offal or blood—or as a soap house—oil-boiling house—dyeing house—tannery—brick, pottery, or lime, kiln—sago manufactory—or other manufactory or place of business from which offensive or unwholesome smells arise—or as a yard or depot for hay, straw, wood, or coal—shall, within three months after this Act comes into operation, register the same at the Office of the Justices in a book to be kept by them for that purpose, and whoever, after the expiration of the said three months and after eight days' notice from the Justices, uses any such place without the same being registered, shall be liable to a penalty not exceeding one hundred Rupees for every day during which the offence is continued.

**CLXXXV.** No place shall be newly used within the prescribed limits for any of the purposes mentioned in the last preceding Section, except under a license from the Justices, who are hereby empowered, at their discretion, from time to time, to grant such licenses; and whoever, without a license, uses any such place for such purpose, shall be liable to a penalty not exceeding five hundred Rupees, and a penalty not exceeding fifty Rupees

for every day after the conviction for such offence during which the said offence is continued.

**CLXXXVI.** The Justices may, in the manner hereinafter provided, make bye-laws for the inspection of every place within the prescribed limits used for any of the purposes mentioned in Section CLXXXIV, and for the management and conduct of such business, whether the same be newly established or not, in such manner as they may think necessary and proper, in order to prevent or diminish the noxious or injurious or offensive effect thereof.

**CLXXXVII.** If it be shown to the satisfaction of the Justices that any place registered or licensed under Sections CLXXV, CLXXXVI, CLXXXIV, or CLXXXV of this Act is a nuisance to the neighbourhood, they may give notice to the occupier to discontinue the use of such place within one month; and whoever, after the expiration of that time, uses such place or permits it to be used in such a manner as to be a nuisance to the neighbourhood, shall be liable to a penalty not exceeding two hundred Rupees for every day during which it shall be so used.

**CLXXXVIII.** The Justices may, if they think fit, cause a survey and measurement to be made of every burial ground and every place used as such; and every such place and every burning ground existing at the time of the passing of this Act shall, within one month after this Act shall come into operation, be registered by the owner or the person having the control thereof, or, if there be no owner or person authorized to control the same, by order of the Justices in a book to be kept by them for that purpose; and whoever, after the expiration of the said time, knowingly buries or burns, or causes, procures, or suffers to be buried or burned, any corpse in any ground other than such registered burial or burning ground, shall be liable to a penalty not exceeding one hundred Rupees.

**CLXXXIX.** No vault or grave shall be made within the walls of, or underneath, any church or chapel or other place of public worship built after the passing of this Act, and no burial or burning ground, whether public or private, shall be opened, made, or formed after the passing of this Act, otherwise than by or under the authority of the Government of Bengal, without a license describing the extent and boundaries thereof first obtained from the Justices, who are hereby empowered, at their discretion, from time to time to grant such licenses; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any vault, grave, or burial or burning ground opened, made, or formed without such license or contrary to the terms thereof, shall be liable to a penalty not exceeding five hundred Rupees.

**CXC.** If, upon the evidence of competent persons, the Justices, with the sanction of the Government of Bengal, shall certify, in manner hereinafter provided, that any burial ground or place of burial, or any place used for the burning of corpses

is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, or that any church or other place of public worship is dangerous to the health of persons frequenting the same, by reason of the state of the vaults or graves within the walls of or underneath the same, or in any churchyard or burial-ground adjacent thereto, and shall also certify that a fitting place for interment or burning (as the case may be) exists within a convenient distance, and is available, it shall not be lawful, after a time (not less than two months) to be named in such certificate, to bury or burn, or permit or suffer to be buried or burned, any corpses in, upon, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate; and whoever, after due publication of such certificate as herein-after provided, buries or burns, or causes, permits, or suffers to be buried or burned any corpse con-

trary to this enactment shall be liable to a penalty not exceeding two hundred Rupees. Provided always that every such certificate shall be published in the Government Gazette, and that a translation thereof in Bengalee shall, in the case of a burial or burning ground, be affixed conspicuously on some part of the said ground.

**CXCI.** Notwithstanding any such certificate as in the preceding Section mentioned, where by usage or otherwise there is at the time of the passing of this Act, any right of interment in or under any church or chapel, or in any vault of such church or chapel, or of any church-yard, burial-ground, or place of burial affected by such certificate, or where any exclusive right of interment, or any exclusive right to ground for the purpose of interment has been purchased or acquired before the passing of this Act, it shall be lawful for the Justices if, on application made to them, they are satisfied that the exercise of such right or the use of such ground will not be injurious to health, to grant a license for such exercise or use during such time and subject to such conditions and restrictions as they may think fit.

**CXCII.** The Justices may, from time to time, out of the funds available for the purposes of this Act, with the consent of the Government of Bengal, provide fitting places to be used as burial or burning grounds.

**CXCIII.** The Justices may, in manner hereinafter provided, make bye-laws for the inspection and regulation of burial and burning grounds, and may thereby prescribe rules as to the depth of graves and places of interment, and generally as to all matters connected with the good order of burial and burning grounds, due regard being had to the religious usages of the several classes of the community.

**CXCIV.** The Justices shall, for the purposes of this Act, have power by themselves or their Officers, between sunrise and sunset, to enter into and upon any building or land, as well for the purpose of making any survey or inspection which they may be entitled to make, as for the purpose of executing any work authorized by this Act to be executed



be them, without being liable to any legal proceedings or molestation whatsoever on account of such entry or of any thing done in any part of such building or land in pursuance of this Act.

Provided that, except when herein otherwise provided, the

Justices or their Officers shall not enter upon any building or land which they may be occupied at the time unless with the consent of the occupier thereof without previously giving the said occupier twenty-four hours notice of his or their intention to do so.

CXCV. The Justices or their Officers or Servants may enter upon the

land of any person adjoining to or being within the distance of one hundred yards of any works by this Act authoriz-

ed to be made for the purpose of depositing upon such land any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment, tender, or deposit, doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation or temporary damage of the said land to the owner and occupier thereof from time to time, and as often as any such temporary occupation shall be taken or such temporary damage done, and making compensation to the owner also for the permanent injury (if any) to such land; and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses. Provided that,

before the Justices make any

such temporary use as aforesaid of the land adjoining or lying near to the said works, they shall give fourteen days' notice of such their intention to the owners and occupiers of such land, and shall set apart by sufficient fences so much of the land as shall be required to be used as aforesaid from the other land adjoining thereto.

CXCVI. Whoever at any time obstructs or

Penalty for ob- molests any resident Justice, structing Justices in or the Justices or their Officers or workmen, or any person employed by them or with whom they may have contracted under the provisions of this Act in the performance and execution of their or his duty, or of any thing which they are respectively empowered or required to do by virtue or in consequence of this Act; or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act, shall be liable to a penalty not exceeding two hundred Rupees, or, in the discretion of the Magistrate before whom he is convicted, to imprisonment for any term not exceeding two months.

CXCVII. Every person who wilfully gives

Penalty for giving verbally or in writing a false false statement or statement of, or neglects or refuses to give, such returns and answers as under this Act may be lawfully required of him shall, on conviction of such offence before a Justice of the Peace, be liable to a fine not exceeding five hundred Rupees, or to imprisonment for a term not exceeding three months,

CXCVIII. For the purposes of constructing

aqueducts for bringing water into the Town of Calcutta from any place without the limits of the local jurisdiction of Her Majesty's High Court of Judicature or for the purpose of making sewers or drains to communicate with or empty themselves into any public sewer, lake, stream, canal, or water-course without the said limits, it shall be lawful, whenever a plan for any such aqueduct, sewer, or drain shall have been approved by the Government of Bengal, for the Justices and their Officers, with such assistants as they may require, to exercise in the construction of such aqueduct, sewer, or drain throughout the line or country through which the said aqueduct, sewer, or drain is to run, all the powers which by this Act it is lawful for them to exercise within the said local limits, and which may be necessary for the construction of such aqueduct, sewer, or drain without being subject to any action or molestation whatever for so doing; and it shall also be lawful for any Magistrate of any district through which the said aqueduct, sewer, or drain is to run, to exercise in respect thereof the like powers and jurisdiction within the limits of his own district, as it is by this Act lawful for a Magistrate or two Magistrates (as the case may be) of the said Town of Calcutta to exercise in respect of any work to be executed by the Justices within the said local limits.

CXCIX. The Justices may, from time to

time, make such bye-laws as they think fit for the several purposes for which bye-laws are hereinbefore authorized to be made by them, and may, from time to time, repeal, alter, or amend any such bye-laws; provided such bye-laws be not repugnant to law or to the provisions of this Act; and for any breach of any of such bye-laws, the offender shall be liable to a fine not exceeding twenty Rupees, and, in case of a continuing offence, to a further penalty not exceeding ten Rupees for every day, after notice of the offence from the Justices, during which such offence is continued.

CC. No bye-law, or alteration of a bye-law,

shall have effect until the same is confirmed by the Government of Bengal.

CC. No bye-law, or alteration of a bye-law,

shall be confirmed until the same has been published in the Government Gazette or in one of the public newspapers at least seven times, nor till the space of one month has elapsed since the date of the first publication, during which period a copy of such proposed bye-law shall be kept at the Office of the Justices; and all persons may, at any time between 10 o'clock in the morning and 5 o'clock in the afternoon, inspect such copy without fee or reward.

CCII. Such bye-laws, when confirmed, shall be

published in the Government Gazette and in one or more of the public newspapers and a copy thereof, in English and in Bengalee, shall be painted or placed on boards, which shall be hung up in some conspicuous part of the Office of the Justices.

CCIII. All Courts and Magistrates shall take judicial notice of such bye-laws when the same shall have been confirmed and published as aforesaid.

CCIV. The Justices shall publish short particulars of the several offences for which any penalty is imposed by this Act, or by any bye-law made under this Act, and of the amount of every such penalty, and shall cause such particulars, in English, Bengalee, and Oordoo, to be painted or placed on boards, which shall be hung up in some conspicuous part of the Office of the Justices.

CCV. The Justices may enter into contracts with any persons for the execution of any works directed or authorized by this Act to be done by the Justices, or for any other things necessary for the purposes of this Act.

CCVI. The Justices may direct any prosecution for any public nuisance whatsoever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the funds applicable to the purposes of this Act. But nothing in this Section shall be held to hinder any person from prosecuting any other person for any nuisance.

CCVII. Nothing in this Act shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act would be deemed to be a nuisance at common law, nor to exempt any person guilty of a nuisance at common law from prosecution or action in respect thereof.

CCVIII. No action shall be brought against the Justices, or any of their Officers, or any person acting under the direction of the Justices, for any thing done or intended to be done under the powers of this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the Office of the Justices, or at the place of abode of such person, explicitly stating the cause of action and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause; and upon the trial of any such action, the plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the defendant; and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards; and if any person to whom any such notice of action is given shall, before action brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover in any such action when brought; and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issued joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

CCIX. The Justices may make compensation, out of the funds applicable to the purposes of this Act, to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Justices, their Officers, or servants, under and by virtue of this Act.

CCX. When there is any hinderance to the acquisition by purchase of any land or building required for the purposes of this Act, the Government of Bengal, upon the representation of the Justices and after such inquiry as may be thought proper, may declare that the land or building is needed for a public purpose, and may order proceedings for obtaining possession of the same for Government, and for determining the compensation to be paid to the parties interested, according to any laws now or hereafter to be in force for the acquisition of land for public purposes. And the Government of Bengal may vest such land or building in the Justices on their paying the compensation awarded.

CCXI. The Justices, with the sanction of the Government of Bengal, may sell any lands vested in them by virtue of this Act, or acquired by them for the purposes thereof, either together or in parcels as they may find most convenient and advantageous, and the proceeds of such sale shall be applied to the purposes of this Act: and for carrying such sale into effect, the Justices may execute a conveyance of the lands sold to the purchaser, and such conveyance shall be under the common seal of the Justices.

CCXII. Whenever any street or road hereby vested in the Justices shall be discontinued and stopped up under the provisions of Section XCII of this Act, the Justices, with the sanction of the Government of Bengal, may sell the land or such part thereof as shall not be required for the purposes of the Act.

CCXIII. When any license is granted under the provisions of Sections CXLVII, CLXXVI, or CLXXXV of this Act, authorising the use of any place for any of the purposes therein described, and when permission is given under Section CIV for making any temporary erection, or under Section CXX for putting up any projection, the Justices may charge a fee for such license or permission; and the rates of the fees to be so charged shall be from time to time adjusted by the Justices with the sanction of the Government, provided that no such fee shall exceed the sum of one hundred Rupees. When permission or license is given for the temporary occupation of any ground belonging to the Justices under the provisions of Section CLXXI or Section CLXXIII, the Justices may charge rent for such ground, according to the time the occupation may continue, at such rates as may from time to time be sanctioned by the Government of Bengal.

CCXIV. In all cases where any damages, costs, or expenses are by this Act directed to be paid, the amount of the same, in case of dispute, shall be ascertained and determined by two Magistrates.



CCXV. In any case referred to the determination of two Magistrates under

Method of proceeding before Magistrates in questions of damages, &c.

this Act, it shall be lawful for any Magistrate, upon the application of either party, to summon the other party to appear before any two Magistrates at a time and place to be named in such summons; and every such summons shall be served by delivering the original or a copy thereof to the person summoned, or by leaving the same at his usual place of abode with some adult male member or servant of his family. Upon the appearance of the parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such Magistrates to hear and determine such question, and for that purpose to examine such parties or any of them and their witnesses on oath; and the cost of every such enquiry shall be in the discretion of such Magistrates, and they shall determine the amount thereof. Provided that, in the event of a difference of opinion between such Magistrates,

Proviso.

the case shall be referred to the determination of a third Magistrate or (if there be no such Magistrate) of any Justice of the Peace to be selected by them.

CCXVI. If the amount of damages, costs, or

Recovery of damages by distress.

expenses ascertained in the manner above described be not paid by the party liable to pay the same within seven days after demand, such amount may be recovered under a warrant from the said Magistrates or either of them by distress and sale of the goods and chattels of such party; and the overplus arising from the sale thereof, after satisfying such amount and the costs of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained.

CCXVII. Instead of proceeding by distress

Justices may sue in competent Court, instead or on failure of distress.

and sale, or in case of failure to realize by distress the whole or any part of any expenses, charges, or damages awarded under the provisions of this Act, the Justices may sue the person liable to pay the same in any Court of competent jurisdiction.

CCXVIII. Every prosecution under this Act

Recovery of fines and penalties.

may be instituted before any single person having the powers of a Magistrate, unless where otherwise provided; and every fine or penalty, imposed under or by virtue of this Act or any bye-law made in pursuance thereof, may be recovered by summary proceeding before a Magistrate upon information exhibited by order of the Justices.

CCXIX. The Magistrate, by whom any fine

How fines and penalties are to be applied.

or penalty is imposed by virtue of this Act, may award any portion, not being more than one-half thereof, to the informer, and shall order the remainder—or, if he make no award to the informer, the whole of such fine or penalty,—to be paid to the Justices, to be by them applied to the purposes of this Act.

CCXX. No person shall be liable to any fine

No person liable to fine or penalty unless complaint made within two months after offence committed.

or penalty under this Act, for any offence made cognizable before a Magistrate, unless the complaint respecting such offence shall have been made before a Magistrate within two

months next after the commission of such offence.

CCXXI. If through any act, neglect, or de-

Damage to the Justices' property to be made good in addition to penalty.

fault, on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the Justices shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty; and the amount of such damage shall, in case of dispute, be determined by the Magistrate by whom the party incurring such penalty shall have been convicted; and on non-payment of such damage on demand, the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

CCXXII. It shall be the duty of all Police

Police Officers to report offences to Justices and to arrest unknown offenders.

Officers to give immediate information to the Justices of any offence committed contrary to the provisions of this Act.

Any Police Officer may arrest any person committing in his view any offence against any of the provisions of this Act, if the name and address of such person be unknown to him, or if such person decline to give his name and address, or if the Police Officer in question shall have reason to doubt the accuracy of such name and address, if given; and such person may be detained at the Station House until his name and address shall be correctly ascertained.

CCXXIII. If the Lieutenant-Governor of

Certain provisions of Act extended.

Bengal shall have determined that any portion of the environs of the Town of Calcutta shall be included in the system of sewerage and drainage authorized by this Act, and if the said Lieutenant-Governor shall have declared the boundaries thereof by notification in the Calcutta Gazettee, then Sections CXXIX to CXLIV, both inclusive, of this Act shall have effect within the boundaries so declared; and all penalties, expenses, and compensation, which under the said Sections, and by the provisions of this Act, may be adjudged and determined by a Magistrate or by two Magistrates acting in and for the Town of Calcutta, may be adjudged and determined within such boundaries by the Magistrate having jurisdiction therein.

CCXXIV. Whenever the Justices shall have

Recovery of expenses on account of improvements to private property.

incurred any expenses in the execution of any of the works which, under Sections CIX, CXXXVI, and CXXXVIII of this Act, the owners of any premises, houses, or buildings are required to execute, the Justices may either recover the amount of such expenses in the manner therein provided, or, if they think fit, may take engagements from the said owners for the quarterly payment of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of six per cent. per annum, within a period not exceeding five years, and such sums, when due, may be recovered by the same process by which rates may be recovered under this Act.

CCXXV. This Act shall commence and take

Commencement of Act.

effect on and from the first day of May 1863.

## SCHEDULE A.—(referred to in Section XXVI.)

	Rupees per half year.
For every 4-wheel Carriage on springs drawn by two Horses ..	9 0 0
For every 4-wheel Carriage on springs drawn by one Horse or Pony, or a pair of Ponies, under thirteen hands ..	3 0 0
For every 4-wheel Carriage without springs ..	3 0 0
For every 2-Wheel Carriage on springs ..	4 8 0
For every 2-Wheel Carriage without springs ..	1 8 0
For every Horse ..	4 8 0
For every Pony under thirteen hands or Mule ..	1 8 0
Ponies under eleven hands and Children's Carriages, the wheels of which do not exceed twenty four inches in diameter, are exempted.	

## SCHEDULE B.—(referred to in Section XXXVII.)

## SHOP AND STALL TAX.

## Class I.

1. Shops having glass windows ..	16 0 0
2. Hotels and Punch Houses, and all Spirit Shops ..	
3. Wholesale Tobacco Stores ..	
4. Traders registered under Section (CLXXXIV.) ..	

## Class II.

Shops built of brick or stone not having glass windows	} 8 0 0
Permanent Stalls at daily public markets	
[The Justices shall from time to time declare which are and which are not public markets within the meaning of this Act.]	

## Class III.

All retail Shops and Stalls not included in either of the above Classes	3 0 0
And pedlars, hawkers, and other itinerant dealers.	

## SCHEDULE C.—(referred to in Section LXII.)

## NOTICE OF DEMAND.

TAKE notice that the Justices of the Peace for the Town of Calcutta demand from you the sum of \_\_\_\_\_ due from\* [you] as owner (or occupier) (here describe the property or thing upon which the rate or tax is imposed) for the months of \_\_\_\_\_

186 ; and that if the sum due, together with one Rupee for this notice, is not paid into the Office of the said Justices at \_\_\_\_\_ or if sufficient cause for the non-payment of the sum is not shown to the Justices within five days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

(L. S.) (Signature of the Chairman or Vice-Chairman.)

Date \_\_\_\_\_

## SCHEDULE D.—(referred to in Section LXII.)

## DISTRESS WARRANT.

To (here insert the name of the Officer charged with the execution of the warrant.)

WHEREAS \_\_\_\_\_ of \_\_\_\_\_ has not paid or shown sufficient cause for the non-payment of the sum of \_\_\_\_\_

\* In the case of a demand under Section LXVI, state that notice of demand has been served upon the owner, and that the sum due remains unpaid.

Rupees due for the rates (or taxes) (or rates and taxes) mentioned in the margin for the months of ( ) 186 , although the said sum has been duly demanded in writing from the said \_\_\_\_\_

and five days have elapsed since the service of the notice of demand ; This is to command you to distrain the goods and chattels of the said \_\_\_\_\_

(or as the case may be, any goods and chattels found on the premises referred to) to the amount of the said sum of Rupees, and such further

sum as may be sufficient to defray the charges of taking, keeping, and selling such distress ; and if, within five days next after such distress, the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said goods and chattels ; and having paid and deducted out of the proceeds of the sale the said sum of \_\_\_\_\_

Rupees and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said goods and chattels. If sufficient distress cannot be found of the goods and chattels of the said \_\_\_\_\_

you are to certify the same to us together with this warrant.

(L. S.) (Signature of the Chairman or Vice-Chairman.)

## SCHEDULE E.—(referred to in Section LXIII.)

## FORM OF INVENTORY AND NOTICE.

(State particulars of goods seized.)

TAKE notice that I have this day seized the goods and chattels specified in the above inventory for the sum of \_\_\_\_\_ Rupees due for the rates (or taxes) mentioned in the margin for the months of \_\_\_\_\_ 186 ; and that unless you pay into the Office of the said Justices of the Peace for the Town of Calcutta the amount due, together with costs of this distress, within five days from the day of the date of this notice, the goods and chattels will be sold.

(Signature of the Officer executing the warrant of distress.)

Date \_\_\_\_\_

## TABLE OF FEES PAYABLE IN DISTRAINTS UNDER THIS ACT.—(referred to in Section LXIV.)

Sum distrained for.	Fee.	
	Rs.	As.
Under 5 Rupees ..	0	8
5 and under 10 Rupees ..	1	0
10 " 15 " ..	1	8
15 " 20 " ..	2	0
20 " 25 " ..	2	8
25 " 30 " ..	3	0
30 " 35 " ..	3	8
35 " 40 " ..	4	0
40 " 45 " ..	4	8
45 " 50 " ..	5	0
50 " 60 " ..	6	0
60 " 80 " ..	7	8
80 " 100 " ..	9	0
Above 100 " ..	10	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case four annas must be paid daily for each man.



## SCHEDULE F.—(referred to in Sections LXXVIII and LXXIX.)

18

## BIRTHS IN THE DISTRICT OF

No.	When born.	Nationality or Caste.	Name, if any.	Sex.	Name of Father.	Name of Mother.	Profession of Father.	Signature, description, and residence of Informant.	When registered.	Signature of Registrar.

## SCHEDULE G.—(referred to in Sections LXXVIII and LXXIX.)

18

## DEATHS IN THE DISTRICT OF

No.	When died.	Nationality or Caste.	Name.	Sex.	Age.	Profession.	Cause of Death.	Signature, description, and residence of Informant.	When registered.	Signature of Registrar.

## STATEMENT OF OBJECTS AND REASONS.

ON the withdrawal of the Municipal Bills which had been referred to a Select Committee of the Council last year, Government undertook to introduce a measure of a more practical nature and better suited to the state of affairs existing in the Town of Calcutta. The result has been this Bill, which has been framed with the object of entrusting Justices of the Peace, selected by Government from amongst the rate-payers, with a control over the Municipal government of the Town, and at the same time providing that the work of the Municipality shall not be liable to interruption or delay from any omission on their part to attend to their duties. It is proposed to vest the general administrative control of Municipal expenditure in a considerable body, trusting the execution in detail of all sanctioned works to one well paid Officer, who shall devote his whole time and energy to the work. This is to be effected by making all Justices of the Peace resident in the Town of Calcutta a body corporate. It is proposed that Government shall nominate to the office of Chairman of the Justices an energetic and experienced Officer, who must himself be a resident Justice. At the close of each official year, the Chairman will submit to a meeting of the Justices a Budget of the expenditure which he proposes for the ensuing year, and the rates and taxes which he desires to impose for the purpose of meeting this expenditure. The Justices will pass, modify, or otherwise alter, either the amount which it is proposed to expend, or the details of expenditure. They will then determine the amount

of rates to be levied within the limits fixed by the Legislature. When the Budget has been passed by the Justices and has received the sanction of the Lieutenant-Governor of Bengal, it will be left to the Chairman to carry out the sanctioned works.

To assist the Chairman, to whom it is proposed to assign a salary not exceeding 3,000 Rupees per mensem (exclusive of house-rent,) there will be a Vice-Chairman, receiving a salary not exceeding 1,200 Rupees per mensem, who will preside at the meetings of the Justices during the unavoidable absence of the Chairman. The Chairman is to have the power of calling meetings of the Justices, in addition to those which the Bill directs to be held Quarterly, whenever he may desire to lay before them any questions of importance, and any five Justices, exclusive of the Chairman and Vice-Chairman, will form a quorum. Any ten Justices may at any time submit to the Chairman a requisition for a Meeting of the Justices, to consider any matter connected with the Municipality, and the Chairman will then be bound to call a Meeting. The Chairman will be removable on a requisition to Government signed by two-thirds of the Justices resident in Calcutta. The Vice-Chairman is to be appointed by the Justices subject to the approval of the Lieutenant-Governor, and may be removed by a Resolution of two-thirds of the Justices. The Chairman will be assisted by an efficient professional staff, consisting of a Secretary, Engineer, Surveyor, Health Officer, and Assessor, to be appointed and removed by the Justices. All other Officers are to be

appointed and removed on the responsibility of the Chairman, but where the salary exceeds 200 Rupees, the confirmation of the Justices will be necessary. The Justices may appoint special Committees to report, or to advise the Chairman, in regard to particular works.

Provision has been made for taking a periodical census of the population, and for establishing a system of registration of births and deaths. The Bill also empowers the Lieutenant-Governor, should he see fit so to do, to place the Police Administration under the Chairman of the Justices.

The present Municipal revenue amounts to somewhat less than eleven lakhs of Rupees, including the one per cent income tax,—a sum which it is admitted is totally inadequate to the requirements of the Town.

Provision has been made for a moderate license tax on all shops, stalls, and pedlars. The great majority of the lower classes literally contribute nothing directly or indirectly to the town revenues, and it is very desirable to reach them by some such measure as a Municipal shop-tax of a few Rupees per annum.

As regards the house-rate, it is proposed to raise it to ten per cent, and at the option of the Justices to substitute a fixed tax for native houses, calculated on the space they occupy. The assessment is made triennial, instead of annual.

It is found that the horse and carriage tax is evaded to an enormous extent, and it is proposed to remedy this by making the payment of the tax compulsory on a certain day by means of registry and license, and in default of such registry and license within a certain date, a penalty of five times the duty is to be imposed.

Though these additional taxes are provided for, it may not be necessary that they should be all imposed at once: a discretion has therefore been left to the Justices in this respect.

Advantage has been taken of the opportunity to consolidate the whole law relating to the Municipality of Calcutta. Acts XIV, XXV, and XXVIII of 1856 have been repealed, but all their more important provisions, with some amendments and improvements which have from time to time been suggested, have been embodied in this Bill.

A. EDEN.

*The 17th January 1863.*

A. G. MACPHERSON,  
*Secy. to the Govt. of Bengal,  
Legislative Department.*

## HOME DEPARTMENT.

No. 1586.

*Fort William, the 11th March 1863.*

*Notification.*—The President in Council is pleased to attach Messrs. J. H. Carter and S. O. B. Ridsdale, of the Civil Service, reported qualified for the Public Service, to the North-Western Provinces, the Punjab, and Oude.

No. 1589.

The President in Council is pleased to attach Mr. A. Weekes, of the Civil Service, reported qualified for the Public Service, to the Bengal Division of the Presidency of Fort William.

No. 1631.

*The 13th March 1863.*

Assistant Surgeon R. T. Abbott, M. D., Inspector of Jails in the Central Provinces, assumed charge of his Office on the 17th of January last.

E. C. BAYLEY,  
*Secy. to the Govt. of India.*

## FOREIGN DEPARTMENT.

No. 71.

POLITICAL.

*Camp Delhi, the 3rd March 1863.*

*Notification.*—As British subjects travelling or residing in Persia and other Foreign Countries are frequently subjected to much inconvenience and loss from their inability to prove their claim to British Consular protection, all British subjects intending to proceed into Foreign Territory west of the Indus are hereby advised to provide themselves with Passports which may be had at any of the undermentioned Offices:—

Foreign Office, Calcutta.  
Office of Secretary to Government, Madras.  
Ditto ditto ditto, Bombay.  
Ditto ditto ditto, Panjab.  
Ditto Commissioner of Sind.  
Ditto ditto of Peshawar Division.  
Ditto ditto of Derajat Division.  
Any of the District Offices in Sind.  
Any of the District Offices in Panjab Frontier.  
Persons applying for Passports will be charged a Fee of one Rupee.

Officers authorized to issue Passports may, at their discretion and when they may consider such a precaution necessary before granting the Passport, require the applicant to support his claim to British Consular protection by the evidence of one respectable witness or more, or by the production of an affidavit on the part of the applicant.

No. 29.

REVENUE

His Excellency the Governor General is pleased to notify for general information that the Chiefs of Central India named in the margin have abolished transit duties on Cotton within their respective Estates.

Nowab of Koorwai.  
Nowab of Patari.  
Rajah of Kilchipora.

No. 62.

GENERAL.

His Excellency the Governor General is pleased to appoint Lieutenant C. C. Taylor, Officiating Assistant to the Agent to the Governor General for the States of Rajpootana, to be Assistant to the Resident in Nepal *vice* Lieutenant Hills, resigned.

No. 22.

JUDICIAL.

*Camp Sihance, the 5th March 1863.*

*Notification.*—In continuation of Notification No. 397, dated the 26th September 1862, His Excellency the Governor General is pleased to invest the undermentioned Officers of the Central



Provinces Commission with the powers specified opposite their respective names:—

Names.	Designations.	Powers.
Captain W. Nembhand ...	Deputy Commissioner, First Class.	The powers described in Section I. of Act XXV. of 1862.
Mr. A. G. W. Harris ...	Deputy Commissioner, Third Class.	
Captain A. B. Camberlege ...	Deputy Commissioner, Fourth Class.	
Captain C. V. Gordon ...	Offg. Deputy Commissioner, Fourth Class.	
Mr. J. W. Chisholm ...	Deputy Commissioner, Fourth Class.	
Lieutenant M. P. Bicketts ...	Judge of the Small Court.	The powers of Subordinate Magistrate, Second Class, under Section II. of Act XXV. of 1861.
Lieutenant C. H. Grace ...	Assistant Commissioner, Second Class.	
Captain H. F. Newmarch ...	Assistant Commissioner, Second Class.	
Lieutenant W. S. Broole ...	Officiating Assistant Commissioner, Second Class.	
Mr. T. Drysdale ...	Officiating Assistant Commissioner, Second Class.	
Bulwunt Rao ...	Officiating Extra Assistant Commissioner, Fourth Class.	The powers of a Subordinate Magistrate of the First Class.
Captain F. H. Hammer ...	Cantonment Joint Magistrate, Kampotee.	
Gopal Vasadeo ...	Tehsildar, Second Class.	
Dinkinammah Rao ...	Tehsildar, Third Class.	
Kisheo Ram ...	Tehsildar, Fourth Class.	
Muttra Pershad ...	Tehsildar, Fourth Class.	The powers of a Subordinate Magistrate, Second Class, under Section II. of Act XXV. of 1861.

No. 67.

GENERAL.

Mr. Assistant Apothecary Thomas was placed, temporarily, in Medical charge of the Civil Station of Baitool on the 3rd November last.

C. U. AITCHISON,  
*Under-Secy. to the Govt. of India,*  
*with the Governor General.*

No. 425.

GENERAL.

*Fort William, the 13th March 1863.*

The Reverend F. C. Viret, Chaplain of Seetapore, in Oudh, reported his departure for England on the Steam-ship *Arracan*, which was left by the Pilot at sea on the 4th instant.

No. 426.

Major F. L. Magniac, Cantonment Joint Magistrate of Jubbulpore, Central Provinces, resumed charge of his duties on the 2nd ultimo.

No. 428.

The services of the Reverend J. Dawson, Assistant Chaplain of the Church of Scotland, are placed at the disposal of the Government of the Punjab with a view to his appointment to the Station of Umballa.

No. 430.

Major H. T. Bartlett, of the Bengal Staff Corps, is appointed to be Cantonment Joint Magistrate of Saugor, Central Provinces, *vice* Major R. Ouseley, resigned, with effect from the 28th ultimo, the date on which he received charge of his Office from Captain C. Steward.

No. 433.

Mirza Abbass Beg, Extra Assistant Commissioner in Oudh, availed himself, on the 19th ultimo, of the leave of absence granted to him in G. O. dated 30th December last, No. 2510.

No. 67.

MILITARY.

Lieutenant M. J. J. Mignon, Officiating Staff Officer, Central India Horse, has obtained leave of absence, on private affairs, for two months, from the 17th instant, to proceed to Bombay, with a view of being examined in the Persian language.

E. C. BAYLEY,  
*Offg. Secy. to the Govt. of India.*

*LIST of Persons entitled to the "India Medal," whose Medals lie unclaimed in the Office of the Secretary to the Government of India in the Foreign Department.*

Names of Parties.

Abbott, A. E.	... Engine Driver.
Burrows, John	... Clerk.
Collins, J.	... Pupil, La Martiniere.
Creed, E.	... Ditto, ditto.
Creed, G.	... Ditto, ditto.
Cameron.	... Merchant.
Dodd, G. N.	... Civil Surgeon.
Davey, Peter	... Clerk.
DeRavara, J.	... Steward, La Martiniere.
Deverine, J.	... Late Superintendent, <i>Constantia</i> .
Dowling, Peter	... Out of employ.
Davis, J.	... Overseer.
Dawson, Captain	... Oudh Military Police.
French, Lieutenant C. J.	... Ditto ditto.
Leslie, John	... Clerk, Chief Commissioner's Office.
Marshall, A.	... Assistant Book-keeper.
Parly, J.	... Railway Inspector.
Rae, W.	... Merchant.
Soule, Henry	... Out of employ.
Sadler, Lieutenant T. J.	... Oudh Military Police.
Smith, C.	... Railway Inspector.
Tucker, R. T.	... Civil Service.
Wilson, R.	... Merchant Tailor.

H. M. DURAND, Colonel,

*Secy. to the Govt. of India*

## FINANCIAL DEPARTMENT.

No. 864.

*Fort William, the 12th March 1863.*

*Notification.*—Mr. E. H. Lushington is appointed Secretary to the Government of India, in the Financial Department, and assumed charge of the Office this day before noon.

Mr. Lushington is also appointed a Government Director of the Bank of Bengal and President of the Mint Committee.

No. 865.

*The 13th March 1863.*

Notice is hereby given, that the Salaries, Pay, Batta, and Allowances of the Civil, Military, and Marine Departments, for the month of March 1863, will be payable as under:—

Military and Marine Departments on Friday, the 10th proximo.

Civil Department on Wednesday, the 15th proximo.

J. W. S. WYLLIE,  
*Under-Secy. to the Govt. of India.*

## MILITARY DEPARTMENT.

GENERAL ORDER BY HIS EXCELLENCY THE GOVERNOR-GENERAL OF INDIA.

*Camp Sihanee, the 5th March 1863.*

No. 11A. of 1863.—The following copy of an Order in Council, dated 9th January 1863, promulgated in the *London Gazette* of the 13th January last, and received with Military Letter from the Right Hon'ble the Secretary of State for India No. 55, dated 31st January 1863, is published for general information :—

*At the Court at Osborne House, Isle of Wight, the 9th day of January 1863.*

PRESENT :

*The Queen's Most Excellent Majesty in Council.*

Whereas by an Order in Council, dated at Windsor, the thirtieth day of August one thousand eight hundred and sixty-two (reciting certain provisions of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, intituled "an Act to prevent the enlisting "or engagement of Her Majesty's subjects to "serve in Foreign Service, and the fitting out or "equipping in Her Majesty's dominions vessels for "warlike purposes, without Her Majesty's "license," Her Majesty, by and with the advice of Her Privy Council, being desirous of enabling Her subjects to engage in and enter the Naval and Military Service of the Emperor of China, was pleased to order, and it was thereby ordered that from and after the first day of September then next it should be lawful for Horatio Nelson Lay, one of Her Majesty's subjects, and Sherard Osborn, a Captain in Her Majesty's Navy, to enter into the Military and Naval Service of the said Emperor, and to accept any commission, warrant, or other appointment under the said Emperor, and to accept any money, pay, or reward for their services, and to fit out, equip, purchase, and acquire ships or vessels of war for the use of the said Emperor, and to engage and enlist British subjects to enter the Military and Naval Service of the said Emperor. And it was thereby further ordered that it should be lawful for every British subject to enlist and enter himself, by engaging and enlisting himself with the said Horatio Nelson Lay and Sherard Osborn, and no other person or persons whatsoever, in the Military and Naval Service of the said Emperor, and to serve the said Emperor in any Military, warlike, or other operations, either by land or by sea, and for that purpose to go to any place or places beyond the seas, and to accept any commission, warrant, or other appointment from or under the said Emperor, and to accept any money, pay, or reward for his service. Provided always, that the license and permission thereby given should be in force only for the term of two years from the said first day of September then next, unless, by order in Council, made in manner aforesaid, such period should be further extended.

And whereas Her Majesty, by and with the advice of Her Privy Council, is desirous of extending and enlarging the permission and license contained in the said Order in Council,

Her Majesty is therefore pleased to order, and it is hereby ordered that from and after the sixteenth day of December one thousand eight hundred and sixty-two it shall be lawful for all Military Officers in Her Majesty's Service to enter into the Military Service of the said Emperor and to accept any commission, warrant, or other appointment under the said Emperor, and to accept any money, pay, or reward for their services.

And it is hereby ordered that it shall be lawful for all Officers in Her Majesty's Military Service to serve the said Emperor in any Military, warlike, or other operations, and for that purpose to go to any place or places beyond the seas, and to accept any commission, warrant, or other appointment from or under the said Emperor, and to accept any money, pay, or reward for their services. Provided always, that the license and permission hereby given shall be in force only until the first day of September one thousand eight hundred and sixty-four, unless, by order in Council, made in manner aforesaid, such period should be further extended.

H. W. NORMAN, *Lieut.-Col.,*

*Secy. to the Govt. of India,*

*with the Governor General.*

## MILITARY DEPARTMENT.

*Fort William, the 11th March 1863.*

No. 199 of 1863.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on Sick Certificate :—

Surgeon Major Thomas Watkins Wilson, M. D., of the Medical Department, Presidency Surgeon.	{ For six months, under the new Regulations, with preparatory leave from the 20th instant.
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No. 200 of 1863.—The following Order issued by the Resident at Hyderabad is confirmed :—

No. 28, dated 19th February 1863.—Permitting Captain C. S. Fagan, Commandant, 1st Infantry, Hyderabad Contingent, to proceed to Bombay preparatory to applying for leave to Europe on Medical Certificate.

*Fort William, the 12th March 1863.*

No. 201 of 1863.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on Sick Certificate :—

Ensign Walter Edward Gowan, of the General List, Infantry, doing duty with the 34th (the Futteh-gurh) Regiment Native Infantry	{ For twenty months, under the new Regulations.
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No. 202 of 1863.—With reference to Government General Order No. 139 of the 17th ultimo, Lieutenant William Hopkinson, General List, Infantry, will take rank from the 13th December 1861, *vice* Lieutenant A. W. Christian, late 22nd Native Infantry, deceased, instead of Lieutenant C. McD. Skene, as therein stated.



No. 203 of 1863.—In conformity with Government General Order No. 144 of 1852, the following Statement of Deposits made at the Presidency Pay Office, during the month of February 1863, on account of the Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of the Indian Military Forces of Her Majesty, is published for general information. And it is hereby notified, that claims to the Estates in question, which shall not be preferred to the Presidency Pay-Master by Executors and Administrators before the conclusion of twelve months after the date of decease, cannot be attended to in this Country, as the money, after that period, will be remitted to and made payable by the Secretary of State for India:—

*Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of Her Majesty's Indian Military Service, in the Month of February 1863.*

Date of deposit.	On Whose account	Rank.	Corps.	General Number.	Date of decease.	Testate or Intestate.	Amount of Monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed Amount deposited.	HOW DISPOSED OF.				Rate of Exchange.	REMARKS.
										Amount paid in India.	Amount retained in India.	Amount remitted for payment in England.			
												In Co.'s Rs.	Equivalent in Sterling.		
COMMISSIONED AND WARRANT OFFICERS.															
6th	Charles Dunsford Blackwood	Lieutenant	Doing duty with 34th Regiment N. I.	...	2nd October 1862,	Intestate ...	738 7 6	...	738 7 6	...	...	...	...	...	Next of kin, Brother, Lieutenant G. F. Blackwood, Royal Artillery, Meer, Gwalior.
13th	Amos Stratton	Ensign	Unattached List	...	19th September 1862,	Ditto ...	520 10 6	...	520 10 6	...	...	...	...	...	Next of kin, Sister, Sarah Stratton, Stamford, Berkshire.
"	Robert Farmerie Godby	Captain	15th Light Cavalry	...	7th Ditto	Unattested Will ...	2240 8 6	...	2240 8 6	...	...	...	...	...	Next of kin, Parents in England, and Brother in India.
16th	Ditto	Ditto	Ditto	...	Ditto	Ditto ...	215 3 0	...	215 3 0	...	...	...	...	...	Next of kin not known
"	William Joseph Shaw	Assistant Surgeon	Medical Department	...	27th November 1857,	Intestate ...	1484 5 5	...	1484 5 5	...	...	...	...	...	Will in favor of the Widow.
"	Henry Otway Mayne	Major	Madras Staff Corps	...	2nd November 1861,	Testate ...	10 0 0	...	10 0 0	...	...	...	...	...	
25th	F. W. Pinkney, c. z.	Ditto	Cour. of Jhansi	...	... ..	Ditto ...	12095 5 4	...	12095 5 4*	...	...	...	...	...	
NON-COMMISSIONED OFFICERS AND SOLDIERS.															
13th	David Collins	Gunner	No. 5 Battery, 16th Brigade, Royal Artillery	10623	9th October 1862,	Intestate ...	35 2 10	...	35 2 10	...	...	...	...	...	Next of kin, Brother, Daniel Collins, St. George's Barrack, London.
"	John Hodgson Phillips	Ditto	No. 2 Battery, 22nd Brigade, Royal Artillery	12402	23rd Ditto	Ditto ...	117 11 2	...	117 11 2	...	...	...	...	...	Next of kin not known.

\* Also 26 Government Promissory Notes amounting to Rupees 47,100.

Date of deposit.	On Whose account.	Rank.	Corps.	General Number.	Date of decease.	Testate or Intestate.	Amount of Monies accruing from the adjustment of Estates.	Amount of Donation-Batta due to Estates.	Total unclaimed Amount deposited.	HOW DISPOSED OF.				Rate of Exchange.	REMARKS.
										Amount paid in India.	Amount retained in India.	In Co.'s Rs.	Amount remitted for payment in England.		
NON-COMMISSIONED OFFICERS AND SOLDIERS.—(Continued).															
13th	John Scully	Gunner	No. 2 Battery, 22nd Brigade, Royal Artillery	9755	12th September 1862,	Intestate	23 11 7	..	23 11 7	..	..	..	..	..	Next of kin, Sister, Honora Kantak, Cork, Ireland.
"	William Simpson	Ditto	Ditto	11668	11th November 1862,	Ditto	30 2 3	..	30 2 3	..	..	..	..	..	Next of kin, Father, Ralph Simpson, Shield Field, Albert Street, Newcastle on Tyne.
"	William Nivett	Sergeant	Ditto	3297	29th September 1862,	Ditto	15 10 2	..	15 10 2	..	..	..	..	..	Widow and Children.
16th	Patrick Carroll	Assistant Quarrier and Saddler Sergeant	B. Battery, 19th Brigade, Royal Artillery	5866	4th Ditto	Testate	1348 0 0	..	1348 0 0	..	..	..	..	..	Legatees in India.
"	Charles Billett	Corporal	21st Hussars	542	1st October 1862,	Intestate	85 15 10	..	85 15 10	..	..	..	..	..	Next of kin, Mother, Maria Billett, Sydling Parish, Dorset.
"	James Cullen	Private	Ditto	560	27th September 1862,	Ditto	59 9 0	..	59 9 0	..	..	..	..	..	Next of kin, Sister, Mary Cullen, Portadown, Armagh Ireland.
"	George Ellsworth	Ditto	Ditto	477	4th August 1862,	Ditto	91 12 10	..	91 12 10	..	..	..	..	..	Next of kin, Brother, Mathew Ellsworth, Leeds, York.
"	Benjamin Parsons	Ditto	Ditto	599	12th October 1862,	Ditto	20 8 3	..	20 8 3	..	..	..	..	..	Next of kin, Mother, Amelia Parsons, Darley Mill, Warwickshire.
"	John McDonagh	Corporal	No. 4 Battery, 19th Brigade, Royal Artillery	5951	6th July 1862,	Ditto	70 14 4	..	70 14 4	..	..	..	..	..	Next of kin, Mother, Joan Burns, County Clare, Ireland.
"	John Magrath	Gunner	Ditto	5710	10th May 1862,	Ditto	0 8 0	..	0 8 0	..	..	..	..	..	Next of kin, Brother, Michael Magrath, America.
"	George Driver	Sergeant	Assistant Overseer, Department Public Works	..	23th October 1862,	Ditto	32 15 10	..	32 15 10	..	..	..	..	..	Next of kin, Cousin, J. Gilmore, Her Majesty's 101st Royal Bengal Fusiliers.
"	George alias William Hapgood	Gunner	5 Battery, 19th Brigade, Royal Artillery	11091	6th August 1862,	Ditto	22 5 0	..	22 5 0	..	..	..	..	..	Children, Sophia Anne Hapgood and George Thomas Hapgood.
"	William Booth	Bombardier	C. Battery, 6th Royal Horse Brigade	12348	24th September 1862,	Ditto	103 9 0	..	103 9 0	..	..	..	..	..	Next of kin, Uncle, William Davidson, Parish Romilly, Cheshire.



William Hughes	Gunner	...	12370	22nd October 1862,	Ditto	...	108 15 7	...	108 15 7	...	...	Next of kin, Father, Samuel, Hart- hill, Yorkshire.
Samuel Monks	Ditto	...	5804	23rd November 1862,	Ditto	...	56 14 1	...	56 14 1	...	...	Next of kin, Father, Joseph, Dublin.
Timothy Grainger	Private	...	308	20th August 1860,	Ditto	...	47 10 0	...	47 10 0	...	...	Next of kin, not known.
Robert Stephenson	Ditto	...	1048	17th October 1862,	Testate	...	62 8 6	...	62 8 6	...	...	Legatee, Sister, Anne Phoebe Stephenson, 73, Upper Parker Street, Dury.
Patrick Haveron	Gunner	...	11597	6th ditto	Intestate	...	85 14 6	...	85 14 6	...	...	Next of kin not known.
David Mervon	Ditto	...	11622	22nd August 1862,	Ditto	...	43 1 6	...	43 1 6	...	...	Next of kin, Sister, Mary Mervin, Drumlanery, Parish Kilmore, County Cavan, Ireland.
Charles Biggins	Ditto	...	12506	20th October 1862,	Ditto	...	42 3 4	...	42 3 4	...	...	Next of kin, Mother, Agnes Wood, Anne, Cluge, Ayrshire.
Walter Martin	Ditto	...	11823	3rd September 1861,	Ditto	...	17 0 0	...	17 0 0	...	...	Next of kin not known.
Thomas George	Ditto	...	12524	15th October 1862,	Ditto	...	42 6 0	...	42 6 0	...	...	Next of kin, Mother, Susan George, Irvine, Ayr.
William Kynock	Bombardier	...	11009	9th September 1862,	Ditto	...	76 5 0	...	76 5 0	...	...	Next of kin, Father, Francis, Aber- deen, Scotland.
James Fox	Gunner	...	10222	6th July 1862,	Ditto	...	53 11 8	...	53 11 8	...	...	Next of kin, Mother, Mary, Sheffield, Yorkshire, England.
Arthur Harvey	Ditto	...	12525	3rd October 1862,	Ditto	...	45 4 6	...	45 4 6	...	...	Next of kin, Father, F. H. Maw, Nottingham, London, W. C.
John Ison	Ditto	...	11817	21st ditto	Ditto	...	37 8 2	...	37 8 2	...	...	Next of kin, Father, John Ison, Holy Trinity, Cambridge.
William Cole	Ditto	...	12501	6th September 1862,	Ditto	...	38 8 8	...	38 8 8	...	...	Next of kin, Mother, Sarah Cole, Chippingham, Wiltshire.
William Lynch	Serjeant	...	...	7th August 1862,	Ditto	...	34 0 0	...	34 0 0	...	...	Next of kin, Father, Richard, For- managh, Enniskillen, 26th Feb- ruary 1863. Transferred to the credit of the Pay-Master, Alla- habad.
William Hulpin	Private	...	1932	19th January 1863,	Ditto	...	44 1 1	...	44 1 1	...	...	Next of kin, Brothers, Michael and John, Connel, Tipperary.
William Lay	Ditto	...	2660	31st ditto	Ditto	...	35 11 10	...	35 14 10	...	...	Widow, Sarah Lay, Asham Street, Bradford, near Reading, Berkshire; Daughter, Emma.
Charles Ridgwell	Ditto	...	...	16th October 1859,	Ditto	...	36 2 6	...	36 2 6	...	...	Next of kin not known.
Robert Martin	Serjeant	...	8343	19th November 1862,	Ditto	...	154 6 8	...	154 6 8	...	...	Widow, Harriett Martin; Children, Henry and Amelia, Allahabad.
John Kelly	Private	...	160	13th June 1860,	Ditto	...	24 0 0	...	24 0 0	...	...	Cousin, Thomas Garrogan, Parish St. Michael, County Dublin.
							Co's Ba.	...	30489 8 11	...	...	

C. F. M. MUNDY, Major,  
Presidency Pay-Master.

FOR WILLIAM; PAY OFFICE, }  
The 28th February 1863.

*Fort William, the 13th March 1863.*

No. 204 of 1863.—The following Officer having applied for admission to the Staff Corps constituted by the Royal Warrant of the 16th of January 1861, is appointed to the Bengal Staff Corps under the authority of Her Majesty's Secretary of State for India:—

Rank and Name.	Late Corps.	Staff Appointment on which admission to the Staff Corps is claimed.
Capt. Alexander Paterson.	Late 2nd European Bengal Fusiliers.	Late Adjutant of his Corps.

No. 205 of 1863.—The services of Captain J. T. Norgate, of the Bengal Staff Corps, Second in Command of the 14th (the Ferozepore) Regiment Native Infantry, are placed at the disposal of the Government of the Punjab.

No. 206 of 1863.—The undermentioned Officers are permitted to proceed to Europe, on leave of absence, on Sick Certificate:—

Colonel Vincent Eyre, C. B., of the Royal Artillery, Agent for the manufacture of Gunpowder, and Officiating Inspector-General of Ordnance and Magazines	For fifteen months, under the new Regulations.
Captain Clements Robert Shaw, of the Bengal Staff Corps, Assistant Commissioner, Roy Bareilly	For twenty months.
Lieutenant Robert Durie Osborn, of the Bengal Staff Corps, Adjutant, 12th Bengal Cavalry.	For twenty months.
Lieutenant David Ross Clarke, of the late 55th Regiment Native Infantry, doing duty with the 16th (the Lucknow) Regiment Native Infantry...	For fifteen months, under the new Regulations.

No. 207 of 1863.—The following paragraphs of a Military Letter from the Right Hon'ble the Secretary of State for India, No. 22, dated 16th January 1863, are published for general information:—

1. The undermentioned Officers have been permitted to return to their duty, *viz.*,—

Colonel E. L. Ommaney.

Major S. Richards.

" C. H. Brownlow.

" A. L. McMullin, per Steamer of 4th January, with the retention of his appointment.

Captain J. P. A. Theobald.

" G. Sim, per Steamer of 20th January 1863.

" H. E. Iremonger, via Bombay.

Lieutenant E. H. Curtis.

" G. L. K. Hewett.

Surgeon J. W. Mountjoy.

2. The undermentioned Officers have been granted extensions of leave for the period specified, *viz.*,—

Major M. R. Nightingale	...	} Six months.
Captain F. G. Thellusson	...	
" A. C. Grant	...	
" G. C. Bloomfield	...	
" C. E. Mills	...	} Three months.
Lieutenant E. W. de Lousada	...	
Lieutenant G. H. Heaviside	...	} Six months.
Lieutenant E. D. H. Vibart	...	
Assistant Surgeon J. Pethall	...	
" W. Peskett	...	
Veterinary Surgeon W. McDermott	...	

3. His Royal Highness the Field Marshal Commanding-in-Chief has granted Second Captain P. M. Syme, Royal Artillery, extension of leave to the 12th July next.

4. Major G. E. Ford, of the late 72nd Native Infantry, has been permitted to retire from the service from the 22nd December 1862.

5. Lieutenant the Hon'ble H. H. Hare has been permitted to resign the Service from the 14th December 1862.

6. The undermentioned Officers have been ordered by His Royal Highness the Field Marshal Commanding-in-Chief to join the Depot of their Regiment in this Country on the dates specified, *viz.*,—

Captain H. E. Ellice, 19th Hussars, 14th December 1862.

Cornet F. H. Huth, 19th Hussars, 10th January 1863.

H. K. BURNES, Major,  
*Offg. Secy. to the Govt. of India.*

## PUBLIC WORKS DEPARTMENT.

### GENERAL.—ESTABLISHMENTS.

No. 5.

*Governor General's Camp, Begumabad, the 6th March 1863.*

Mr. John Jones, Assistant Overseer attached to the 3rd Division, Great Deccan Road, Central Provinces, is removed from the Public Works Department, his services being no longer required.

R. STRACHEY, Lieut.-Col., R. E.,  
*Secretary to the Government of India,*  
*with the Governor General.*



## MARINE DEPARTMENT.

No. 4870.

*The 3rd September 1862.*

List of Persons entitled to Medals as noted below, whose Medals lie unclaimed in the Office of the Controller of Marine Affairs:—

*1st China War.*

Abree, Domingo	... Steamer "Nemesis."
Augustin, John	... " "Enterprize."
Cassar, Augustine	... " "Tenasserim."
Coco, F.	... " "Nemesis."
Colquhoun, J.	... " "Queen."
Conletts, Victor	... " "Nemesis."
DeCruz, D.	... " "Enterprize."
Domingues, M.	... " "Nemesis."
Domingo	... " "Queen."
Fairclough, H.	... Gunner, Steamer "Madagascar."
Francis, J.	... Steamer "Nemesis."
Gomes, A.	... " "Queen."
Gomes, A.	... " "Madagascar."
Gomes, R.	... " "Queen."
Gomes, A.	... " "Hooghly."
Green, T.	... 2nd Class Engineer, Steamer "Phlegethon."
Harley, H. L.	... 1st Engineer, Steamer "Nemesis."
Higgs, T.	... Engineer Apprentice, Steamer "Enterprize."
Hume, W.	... 2nd Officer, Steamer "Tenasserim."
Jesus, M.	... Steamer "Enterprize."
Lawrence, A.	... Petty Officer, Steamer "Madagascar."
Massiah, J.	... Steamer "Enterprize."
Miguel, F.	... " "Nemesis."
Notton, G.	... 1st Engineer, Steamer "Tenasserim."
Pyra, P.	... Steamer "Madagascar."
Rosana, de P.	... " "Queen."
Shoriff, E.	... " "Madagascar."
Smith, J.	... " "Queen."
Symonds, R.	... " "Proserpine."
Thompson, J.	... 1st Engineer, Steamer "Pluto."
Wall, A. P.	... 1st Lieutenant, Steamer "Queen."

*Burma Medals with Clasps for Pegu.*

Barton, C.	... Engineer Apprentice, Steamer "Fire Queen."
Bendle, G. H.	... Apothecary, Steamer "Mahamuddy."
Boh, C.	... Clerk in charge, Steamer "Pluto."
Bowen, C.	... 1st Engineer, Steamer "Mahamuddy."
Conway, M.	... Engineer Apprentice, Steamer "Damoodah."
Davidson, G.	... 1st Engineer, Steamer "Mahamuddy."
Denton, H. W.	... 3rd Officer, Surveying Vessel "Krishna."
Eckley, E.	...
Evans, G. W.	... 2nd Officer of the Steamer "Damoodah."
Godfrey, W.	... Purser's Steward, Steamer "Nerbuddah."
Godwin, M. F.	... Clerk, Steamer "Indus."
Halyburton, J.	... A. B., Steamer "Pluto."
Hodge, T.	... 2nd Officer, Steamer "Pluto."
Hood, J. H.	... 2nd Officer of the Steamer "Lord William Bentinck."
Jackson, R.	... Boatswain, "Phlegethon."
Kennedy, J.	... Boatswain, Steamer "Fire Queen."
Lawson, W. S.	... Surgeon, Steamer "Proserpine."
Lodge, W.	... A. B., "Tenasserim."
Lowcay, W.	... A. B., "Tenasserim."
Mackay, J.	... Engineer Apprentice, Steamer "Hugh Lindsay."
Main, G.	... A. B., Steamer "Tenasserim."
Middleton, J.	... 3rd Engineer, Steamer "Proserpine."
Miller, J. M.	... Surgeon, "Fire Queen."
Pope, J.	... Gunner, Steamer "Pluto."
Ramsbotham, W.	... Engineer Apprentice, Steamer "Pluto."
Rean, J. R.	... 2nd Officer, Steamer "Enterprize."
Rean, J. T.	... Midshipman, Steamer "Enterprize."
Tassuph, M.	... Commander, Steamer "Phlegethon."
Thompson, R. S.	... Surgeon, Steamer "Pluto."
Tonze, W. B.	... 3rd Officer, Steamer "Enterprize."
Twisden, F.	... Midshipman, Steamer "Pluto."
Woodley, J.	... Midshipman, Steamer "Tenasserim."

*India Medals.*

Brown, William	... Ganges Flotilla.
Sanderson, R.	... Civil Service.

*Lucknow Medals.*

Brien, J. J.	...
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JOHN G. REDDIE,

*Offg. Controller of Marine Affairs.*

## ORDERS by the LIEUTENANT-GOVERNOR of BENGAL.

No. 1953.

APPOINTMENTS.—*The 9th March 1863.*—Mr. W. Grapel, M. A., to officiate as Principal of the Presidency College.

Mr. J. S. Rees to officiate as a Professor in the Presidency College.

Baboo Ramanauth Nundy to officiate as an Assistant Professor in the Presidency College.

*The 10th March 1863.*—Mr. G. Graham to the charge of the Sub-Division of Buheera, and to exercise the powers described in Section I., Act X. of 1854, in addition to those he already exercises in Tirhoot. Mr. Graham is also empowered, under Section XXXVIII. of the Code of Criminal Procedure (Act XXV. of 1861), to hold the preliminary enquiry into cases triable by the Court of Sessions, to commit or hold to bail persons to take their trial before such Court of Sessions, and to exercise all the powers necessary for such purpose.

Mr. C. F. Wintle, Sub-Deputy Opium Agent in Rohileund, to officiate as a Sub-Deputy Opium Agent of the Third Class.

Mr. A. Anderson, Sub-Deputy Opium Agent in Azimgurh, to officiate as a Sub-Deputy Opium Agent of the Fourth Class.

Mr. C. M. Armstrong, Sub-Deputy Opium Agent of the Fifth Class at Ghazee-pore, is transferred to Benares.

Mr. H. Osborne to officiate as Sub-Deputy Opium Agent of the Fifth Class in Ghazee-pore.

*The 11th March 1863.*—Mr. A. Weekes to be Assistant to the Magistrate and Collector of Tirhoot, and to exercise the powers of a Subordinate Magistrate of the Second Class, as described in Section XXII. of the Code of Criminal Procedure (Act XXV. of 1861), in that District.

Baboo Juddoonauth Bose, Deputy Magistrate and Deputy Collector of Sylhet, is vested with the full powers of a Magistrate in that District.

*The 12th March 1863.*—The Hon'ble A. Eden to be Secretary to the Government of Bengal.

Mr. A. Hope to officiate as Civil and Sessions Judge of Hooghly.

Mr. C. C. Stevens, B. A., to be a Member of the Local Committee of Public Instruction at Beerbhoom.

The following Gentlemen to be Members of the Local Committee of Public Instruction at Rungpore:—

Mr. F. Wyre.

Baboo Ooma Churn Bannerjee.

" Gridaree Loll Roy.

" Janokee Bullab Sein.

LEAVE OF ABSENCE.—*The 9th March 1863.*—Dr. E. Goodeve, Professor of Medicine, &c., in the Medical College, for three months, under Section XII. of the Covenanted Absentee Rules.

*The 11th March 1863.*—Mr. R. L. Mangles, Magistrate and Collector of Tipperah, for two months, under Section XII. of the Covenanted Absentee Rules, making over charge of the Office to the Officiating Joint Magistrate and Deputy Collector, Mr. J. S. Armstrong, who will officiate as Magistrate and Collector during Mr. Mangle's absence, or until further orders.

*The 12th March 1863.*—Mr. J. E. S. Lillie, Officiating Judge of Hooghly, for three months, under Section XII. of the Covenanted Absentee Rules.

Baboo Chandy Churn Sing, Deputy Magistrate and Deputy Collector of Jehanabad, for three months, under Clause 1, Section VII. of the Uncovenanted Absentee Rules, from May next.

NOTIFICATIONS.—*The 11th March 1863.*—Baboo Tarakissen Haldar, Additional Sudder Ameen of Burdwan, having joined his office on the 11th ultimo, the unexpired portion of the leave granted to him on the 6th of December last is cancelled.

The services of Major C. Holroyd, of the Staff Corps, Deputy Commissioner of Sibsagar, are placed at the disposal of the Government of India, in the Military Department.

*The 12th March 1863.*—The services of Mr. E. H. Lushington are placed at the disposal of the Government of India, in the Financial Department.

*The 13th March 1863.*—The Hon'ble A. Eden assumed charge of the office of Secretary to the Government of Bengal on the 12th instant at 11 A. M.

NOTIFICATION.—*The 11th March 1863.*—In continuation of the Notification, dated the 16th ultimo, published in the *Calcutta Gazette* of the 18th idem, the Lieutenant-Governor is pleased to direct that Act V. of 1861 (an Act for the Regulation of Police) shall be carried into effect in the following Divisions:—

Chittagong Division ...	{	Chittagong.
		Bullooah.
		Tipperah.
Dacca Division ...	{	Dacca.
		Furreedpore.
		Mymensing.
		Backergunge.

APPOINTMENTS.—*The 11th March 1863.*—Captain A. W. Pixley, Deputy Inspector-General of the Second Grade in Cuttack, is transferred to the Dacca Division.

Mr. E. B. Baker to be Deputy Inspector-General of the Second Grade, and to have charge of the Cuttack Division.

Captain J. M. Graham to be Deputy Inspector-General of the Second Grade, and to have charge of the Chittagong Division.

Lieutenant H. E. Waller to be District Superintendent of the Third Grade in Behar.

Mr. F. T. Platts to be District Superintendent of the Third Grade in Rajshahye.

S. C. BAYLEY,

*Junior Secy. to the Govt. of Bengal.*

#### ORDERS by the LIEUTENANT-GOVERNOR, N. W. Provinces.

JUDICIAL (CRIMINAL) DEPART.—No. 140A.—*Allahabad, the 28th February 1863.*—Nand Kishore, Deputy Magistrate in the Saharunpore District, is invested with the powers of a Subordinate Magistrate of the First Class, as described in Section XXII. of Act XXV. of 1861.

POLICE DEPARTMENT.—No. 200A.—*Allahabad, the 28th February 1863.*—One month's privilege

leave of absence, under the Rules applicable to Military Officers in Civil employ, is granted to Lieutenant P. C. Dalmahoy, District Superintendent of Police at Humeerpore, from the 1st proximo, or from the subsequent date on which he may avail himself of the same.

Lieutenant D. M. Strong, Officiating Assistant Inspector-General of Police in the Jhansie Division, is appointed to officiate as District Superintendent of Police at Humeerpore during the absence on leave of Lieutenant Dalmahoy, or until further orders.

No. 204A.—One month's privilege leave, under Section VII. of the Uncovenanted Service Absentee Rules, is granted to Mr. R. E. Knyvett, Assistant Inspector-General of Police in the Agra Division, from the 15th March next, or from the subsequent date on which he may avail himself of the same.

REVENUE DEPARTMENT.—No. 297E.—*Allahabad, the 28th February 1863.*—Alee Buksh Khan, Deputy Collector at Benares, is transferred, in the same capacity, to the District of Etawah.

No. 297F.—Three months' leave of absence, on Medical Certificate, under Section V. of the Uncovenanted Service Absentee Rules, is granted to Rae Dabee Churn, Deputy Collector in the District of Cawnpore, from the date on which he may avail himself of the same.

Nuzeer Ahmed, Tehseeldar in the District of Cawnpore, is appointed to officiate as Deputy Collector, under Regulation IX. of 1833, in that District during the absence on leave of Rae Dabee Churn, or until further orders.

No. 308A.—*The 5th March 1863.*—Whereas it appears to the Government, North-Western Pro-

Tehseel.	Villages.	Quantity of Land required.		
		A.	R.	P.
Gazeeabad.	Bhoonja	10	0	0
	Ditto	8	0	0
	Near the Lahaino Gate of Gazeeabad	5	0	0

vinces, that land is required to be taken up, in the Meerut District, at the public expense, for a public purpose, viz., for the manufacture of Bricks for the Hindun Bridge, it is hereby notified that land to the extent, and in the villages specified in the margin, is required for the said purpose

2. This Declaration is made under Section II., Act VI. of 1857, as extended by Section IV., Act II. of 1861.

No. 311A.—*The 6th March 1863.*—Whereas it appears to the Government, North-Western Pro-

Pergunnahs.	Mouzahs.	Extent of Land required.		
		A.	R.	P.
Humeerpore	Humeerpore	0	1	18
Mondha	Mondha	0	1	18
Jullalpoore	Jullalpoore	0	1	18
Raat	Raat	0	1	18
Panwarree	Songra	0	1	18
Muhoba	Muhoba	0	1	18
		2	0	28

of Distilleries, it is hereby notified that lands to

vinces, that land is required to be taken up, in the District of Humeerpore, at the public expense, for a public purpose, viz., for the erection



the extent, and in the villages specified in the margin, are required for the said purpose.

2. This Declaration is made under Section II., Act VI. of 1857.

No. 313A.—Whereas it appears to the Govern-

Pergunnahs.	Villages.	Quantity of Land required
		A. R. P.
Saharunpore ...	Saharunpoor ...	0 2 0
Roorkee ...	Roorkee ...	0 2 0
Deobund ...	Deobund ...	0 1 0
		1 1 0

ment, North-Western Provinces, that land is required to be taken up, at the public expense, for a public purpose, viz., in the District of Saharunpore, for the erection of Distilleries, it is hereby declared that lands in the villages, and to the extent specified in the margin, are required for the said purpose.

2. This Declaration is made under Section II., Act VI. of 1857.

No. 315. Whereas it appears to the Govern-

Pergunnahs.	Mouzahs.	Extent of Land appropriated.
		A. R. P.
Mahoba ...	Sreenuggur ...	15 3 8
Ditto ...	Mahoba ...	15 0 13
Ditto ...	Kubrai ...	16 1 7
		46 0 28

ment, North-Western Provinces, that land is required to be taken up, at the public expense, for a public purpose, viz., for encamping grounds in the Humeerpore District, it is hereby notified that land to the extent, and in the villages noted in the margin, is required for the said purpose.

2. This Declaration is made under Section II., Act VI. of 1859.

No. 326A.—The 7th March 1863.—Whereas it

No.	Pergunnahs.	Mouzahs.	Quantity of Land required.
			A. R. P.
1	Jounpore ...	Sheikhpoora ...	0 2 9
2	Murreeahoo ...	Kusha Murreeahoo ...	0 2 15
3	Ghissacoh ...	Mehleeshur ...	0 1 15
4	Unglee ...	Kuatoora appertaining to Pilkichia ...	0 2 0
5	Kurraikut ...	Narhun ...	0 2 38
		Surrai Beeroo ...	0 1 17
		Total ...	2 2 14

appears to the Government, North-Western Provinces, that land is required to be taken up, at the public expense, for a public purpose, viz., to erect Abkaree Distilleries in the District of Jounpore, it is hereby notified that land to the extent, and in the villages noted in the margin, is required for the said purpose.

2. This Declaration is made under Section II., Act VI. of 1857.

SEPARATE REVENUE (ASSESSED TAXES) DEPARTMENT.—No. 40A.—Allahabad, the 6th March 1863.—The following Resolution by the Hon'ble President in Council is published for general information:—

No. 506G.—Extract from the Proceedings of the Government of India, in the Financial Department, dated 19th February 1863.

Read again Financial Resolution, No. 157G. of the 9th August 1862, regarding the levy of Income Tax on salaries of Officers serving in Foreign States.

Read also the Returns submitted in compliance with the requisition contained in the above Resolution.

RESOLUTION.—Several questions having arisen as to the proper construction to be put upon Section I., Act XXXIX. of 1860, the Hon'ble the President in Council is pleased, after careful consideration, to rule as follows:—

Against British subjects in Foreign Territory not employed in the service of Her Majesty it is not the intention of the Government of India to press the demand for Income Tax, and the public servants of a Foreign State employed in Foreign Territory are clearly exempt from the incidence of the tax. Only the servants of the British Crown are to be considered as public servants within the meaning of the Section under review. All the members of the last class are taxable without reference to the question whether or not the funds for the payment of their salaries are provided by a Native State.

This ruling cancels all previous orders on the subject, and specially those noted in the margin. But arrears of the tax will not be demanded from those Officers who, under any of the orders hereby superseded, may hitherto have been exempted from the operation of the law.

Financial Resolution No. 9594, dated 24th September 1860.  
Financial Resolution, dated 20th November 1861.  
Financial Resolution, dated 20th June 1861.  
Letter to Civil Pay-Master, North-Western Provinces, No. 1809, dated 28th February 1862.  
Financial Resolution No. 3081, dated 23rd May 1862.  
Financial Resolution No. 157G., dated 9th August 1862.

GENERAL DEPARTMENT.—No. 836A.—Allahabad the 28th February 1863.—The following extract from a Notification issued by the Government of India, in the Military Department, is re-published for general information:—

No. 154, dated Fort William, the 24th February 1863.—The undermentioned Officers are permitted to proceed to Europe on leave of absence on Sick Certificate:—

Assistant Surgeon William Watson, M. B., of the Medical Department, Civil, Banda ... For fifteen months, under the new Regulations.

No. 846A.—Dr. A. P. Tomkyns, Superintendent of the Central Prison at Bareilly, will perform the duties of Civil Assistant Surgeon of that Station, in addition to his own, during the temporary absence of Dr. F. Corbyn, on duty at Calcutta.

No. 871A.—Captain T. Pierce, who, by the Notification No. 2509A., dated 25th September 1862, was appointed to officiate as First Assistant Commissioner of Ajmere and Mairwarra, will revert to his substantive appointment of Second Assistant Commissioner in that District.

Lieutenant H. M. Repton, Assistant Commissioner in the Jhansie Division, is appointed to be First Assistant Commissioner in Ajmere.

No. 958A.—The 4th March 1863.—The following Notification issued by the Government of India, in the Home Department, is re-published for general information:—

No. 1330, dated the 27th of February 1863.—The services of the Reverend W. C. Bell, Assistant

Chaplain, appointed, under date the 22nd of December last, to officiate as Chaplain of Port Blair, are re-placed at the disposal of the Government of the North-Western Provinces.

No. 968A.—*The 6th March 1863*.—The services of the Reverend W. C. Bell are placed at the disposal of the Government of the Punjab.

No. 983A.—*The 7th March 1863*.—The Reverend A. Horsburgh, M. A., whose services have been placed at the disposal of this Government, is appointed to be Assistant Chaplain at Gwalior.

No. 996A.—Mr. Alan Swinton, of the Bengal Civil Service, reported his departure from India per Steamer *Candia*, which was left at sea by the Pilot on the 24th February 1863.

By Order of the Government of the North-Western Provinces,

J. D. SANDFORD,

Offg. Secy. to Govt., N. W. P.

PUBLIC WORKS DEPT.—No. 1176.—*Allahabad, the 3rd March 1863*.—*Leave of Absence*.—Leave of absence for six weeks, from the 15th March next or from such date as he may avail himself of it, is granted to Lieutenant J. L. Watts, Executive Engineer, Agra Division, Public Works, to enable him to proceed to Calcutta preparatory to applying for two years' Furlough to Europe.

No. 1178.—*Appointment*.—Captain C. T. Stewart, Executive Engineer, transferred to the North-Western Provinces by the Government of India, Public Works Department, *vide* Notification No. 30, dated 5th February, is appointed to officiate as Executive Engineer, Agra Division, Public Works, *vice* Lieutenant Watts, proceeding on leave.

No. 1190.—*Notification*.—Lieutenant R. F. Angelo, Assistant Engineer, having returned from Bombay instead of proceeding on Furlough to Europe, as was the intention when preparatory leave was granted to him in General Order No. 2556A., dated 20th June 1862, extension of leave on Medical Certificate is granted to him up to the 4th November 1862, the date on which he rejoined the Agra and Bombay Road.

No. 1196.—Mr. C. W. Carpenter, Assistant to the Magistrate and Collector of Saharunpoor, is appointed a Member of the Road and Ferry Fund Committee of that District.

No. 1204.—*The 4th March 1863*.—The following Notification is re-published consequent on a misprint in the copy which appeared in the *Allahabad Government Gazette* of the 24th ultimo:—

No. 987.—*The 19th February 1863*.—*Notification*.—The Garden which surrounds the Well containing the remains of those who were massacred at Cawnpore in the month of July 1857 having been excluded from the limits of Cantonments, the Hon'ble the Lieutenant-Governor, North-Western Provinces, is pleased to issue the following Rules for its future care and maintenance:—

I. The Garden shall be known as the "Memorial Garden."

II. The management of the Garden shall be entrusted to a Committee composed of the following Officers:—

The Commissioner of the Division.

The Officer Commanding the Station.

The Judge of Cawnpore.

The Magistrate and Collector.

The Chaplain.

The Executive Engineer.

III. An European Custodian will be placed in immediate charge of the Garden, and other necessary Establishments for its maintenance will be provided at the cost of the State.

IV. The Garden shall be open to the Public for purposes of recreation at such hours and on such conditions as the Committee may from time to time determine. The Lieutenant-Governor feels satisfied that all who seek admission will bear in mind the character of the place, and the events with which it is connected, and will abstain from acts of an unbecoming nature.

V. The following Conditions are to be strictly enforced:—

Riding and driving at a rapid pace will not be permitted.

Parties of pleasure, such as Picnics, and games of every kind are prohibited within the Garden enclosure.

VI. The Garden contains three places which have been consecrated by the Bishop of the Diocese, each inclosed by railings or otherwise.—The Well, surmounted by a Memorial.

Two Burial-grounds.

Admission to any one of these enclosures can take place only under special permission obtained from a Member of the managing Committee above-named.

VII. The Committee are empowered to frame such subsidiary Rules as a majority of their number may at any time consider to be required.

No. 1230.—*The 5th March 1863*.—*Notification*.—The following Officers are appointed Members of the Road and Ferry Fund Committees of the Banda District:—

Mr. B. F. Hall, Joint Magistrate.

" C. Robertson, Joint Magistrate.

" R. Hobart, Assistant Magistrate.

" D. McCarthy, District Superintendent of Police.

No. 1243.—The following Officers are appointed Members of the Road and Ferry Fund Committees of the Boolundshuhur District:—

Mr. J. Hair, Officiating Superintendent, Boolundshuhur Branch, Ganges Canal.

Lieutenant F. J. Home, Deputy Superintendent, Boolundshuhur Branch, Ganges Canal.

No. 1248.—The undermentioned Officers are appointed Members of the Road and Ferry Fund Committee of the Futtehpoore District:—

Mr. J. W. Quinton, Officiating Joint Magistrate and Deputy Collector.

Mr. P. Whalley, Assistant to the Collector and Magistrate.

No. 1282.—*Erratum*.—In Notification No. 1144, dated 27th ultimo, published in the *Official Gazette* of the 3rd instant, at page 328, in lines 27 and 28, for "Northern Division" read *Futtehgarh Branch*.

No. 1349.—*The 9th March 1863*.—*Erratum*.—In Notification No. 767, dated 9th February last, read *Mahomed Zakaria, Allaoodeen* as the names of two men, viz., *Mahomed Zakaria and Allaoodeen*.

By Order of His Honor the Lieutenant-Governor, North-Western Provinces,

W. E. MORTON, *Lieut.-Col.*,

*Secy. to Govt., N. W. P.*



# ORDERS by the LIEUTENANT-GOVERNOR, Punjab Provinces.

**POLICE DEPARTMENT.**—*The 6th March 1863.*—No. 170.—Captain E. N. Perkins, District Superintendent of Police, obtained leave of absence, on Medical Certificate, for two months, in May 1861, subject to the Rules of the Audit Department.

**GENERAL DEPARTMENT.**—*The 5th March 1863.*—*Appointment.*—No. 496.—The Reverend J. Dawson, Assistant Chaplain of the Church of Scotland, is appointed to the Station of Umballa.

*The 7th March 1863.*—*Appointments.*—Captain P. Maxwell, Deputy Commissioner of Googaira, to officiate as Deputy Commissioner of Mooltan.

Mr. R. T. Burney, Assistant Commissioner, to officiate as Deputy Commissioner of Googaira as a temporary arrangement.

T. D. FORSYTH,  
Offg. Secy. to Govt., Punjab.

# Orders by the Vice-Chancellor and Syndicate of the Calcutta University.

26. A SPECIAL Meeting of the Senate will be held at the Town Hall on Monday, the 16th of March, at 4  $\frac{1}{2}$  P. M., for conferring Degrees.

27. Graduates and Under-Graduates of this University who wish to be present must apply for Tickets at the University Office.

28. Graduates and Licentiates must appear in their proper Academic costume.

J. RICHARDS, M. A.,  
Offg. Registrar.

*The 10th March 1863.*

# Orders by the Vice Chancellor and Syndicate of the Calcutta University.

30. The undermentioned Bachelors of Arts have passed the Examination for the Degree of Master of Arts:—

*In Alphabetical order.*

Beereshur Mitter	...	Presidency College.
Joggeshur Mookerjee	...	Ditto.
Nobin Kissen Moogerjee	...	Ditto.
Opendro Nauth Mitter	...	Ditto.
Prosonno Coomar Bose	...	Ditto.
Romanath Nundy	...	Ditto.

J. RICHARDS,  
Offg. Registrar.

*The 13th March 1863.*

# SALT FOR EXPORTATION.

STATEMENT shewing the quantity of Salt in store available for exportation on private trade at each of the several Ports of Export in the undermentioned Districts:—

NAMES OF DISTRICTS.	Ports at which Salt is generally available for export on private trade.	Quantity allotted for private exportation in 1863.	Quantity exported on private trade or assigned to applicants up to 31st January 1863.	Quantity remaining in store actually available for export on 1st February 1863.	REMARKS.
		INDIAN MAUNDS.	INDIAN MAUNDS.	INDIAN MAUNDS.	
Ganjam	Ganjam	4,200	.....	4,200	Boats are available.
	Nowpada	3,00,000	.....	3,00,000	
Godavery	Coringa	1,50,000	8,800	1,41,200	Ditto ditto.
Kistna	Nizampetam	39,989	3,969	36,020	Ditto ditto.
	Iskapalli	40,000	.....	40,000	Boats are easily obtainable at the first four Ports, and at Binginipalli they can be obtained from the neighbouring Ports.
Mellore	Varini	30,000	.....	30,000	
	Kistnapatam	40,000	.....	40,000	
	Pakala	19,873 $\frac{1}{2}$	5,160	14,713 $\frac{1}{2}$	
	Binginipalli	6,969	.....	6,969	
Madras	Madras	2,00,335	1,36,238	64,097	
	Ennore	1,35,099	65,458	69,641	
	Cavelong	92,268	48,999	43,269	
Tanjore	Kattumavadi	1,00,000	.....	1,00,000	
	Vedaravaram	10,000	.....	10,000	
	Neiduvasei	50,000	.....	50,000	
Madura	Kelikudi	51,000	.....	51,000	Boats are procurable.
	Davi Pattanam	72,000	.....	72,000	
	Thondy	89,520	.....	89,520	
	Total	14,32,753 $\frac{1}{2}$	2,68,615	11,64,138 $\frac{1}{2}$	

Revenue Board Office, Madras, 17th February 1863.

R. A. DALYELL, Sub-Secretary.

N.B.—Salt for export will be supplied by Government at the rate of 15 Rupees per 100 Indian Maunds, which includes charges of Shipment except at the Port of Madras, where the Salt will be delivered on the beach.

PUBLISHED for general information,

By Order of the Board of Revenue,

FORT WILLIAM,  
*The 12th March 1863.*

J. P. GRANT,  
Officiating Junior Secretary.

## Opium Notification.

NOTICE is hereby given, that the Fourth sale of Opium, the provision of 1861-62, will be held at the Exchange Hall on Monday, the 6th of April 1863, at 11 A. M., and will comprise 3,300 Chests, viz.,—

Behar Opium	...	1,860
Benares Opium	...	1,440
Total Chests	...	3,300

2. The general Conditions of the sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 8th November 1862 and published in the *Government and Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 11th and 21st April 1863 respectively, that is to say, no Bank of Bengal Receipts, Company's Paper, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by Purchasers in the Sale Room, will be received after 4 P. M. of Saturday, the 11th April 1863, and no Bank of Bengal Receipts in full payment of Lots will be accepted after 4 P. M. of Tuesday, the 21st April 1863.

4. In addition to the quantity above advertized for sale, the following quantities, more or less, of Behar and Benares Opium of 1861-62 will be brought to sale, in the present year, on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates should circumstances render it expedient to do so:—

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Wednesday, 6th May 1863	1,860	1,440	3,300
Ditto Monday, 8th June "	1,860	1,440	3,300
Ditto Thursday, 9th July "	1,860	1,440	3,300
Ditto Monday, 10th Aug. "	1,860	1,440	3,300
Ditto Monday, 7th Sept. "	1,860	1,440	3,300
Ditto Monday, 5th Oct. "	1,860	1,440	3,300
Ditto Monday, 9th Nov. "	1,860	1,440	3,300
Ditto Monday, 7th Dec. "	1,853	1,464	3,317
Total	14,873	11,544	26,417

By Order of the Board of Revenue,

J. P. GRANT,

*Offg. Junior Secretary.*

*The 3rd March 1863.*

## NOTICE.

THE TRADE RETURNS of the Port of Calcutta, for the MONTHS ended 31st AUGUST and 30th SEPTEMBER 1862, may be had at Rupees 4 per copy, on application at the *Calcutta Gazette Office*.

*The 17th February 1863.*

## Lectures on Geology.

"UNDER orders from Government, and with the permission of the Asiatic Society, Mr. Henry F. Blanford will deliver a course of twelve Lectures on Geology at the Asiatic Society's Museum, No. 1, Park Street.

An introductory Lecture will be read on Monday, the 16th instant, at  $\frac{1}{2}$  past 4 P. M., and a Lecture will be delivered on each successive Monday at the same hour until the conclusion of the course.

Terms of admission, 10 Rupees for the course. Application for Tickets to be made at the Society's Rooms between the hours of 10 A. M. and 4 P. M."

W. S. ATKINSON,

*Director of Public Instruction.*

FORT WILLIAM,  
*The 6th March 1863.*

## Notice.

SEALED Tenders will be received by the Secretary to the Chief Commissioner up to the 3rd April 1863, and opened by him at his Office on that day in the presence of all parties who may choose to attend, or their Agents, for the supply, by contract, of printed and lithographed English and Vernacular Forms for the year 1863-64.

The Tenders must be accompanied by specimens of paper and printing, and be superscribed with the words "*Tenders for Printing*," but must not have the name of the Tenderer written on the envelope.

It will not be obligatory on the Secretary to accept the lowest Tender unless he is satisfied with the specimen of materials and workmanship and the ability of Tenderer to fulfil his engagement. The Forms must be delivered at Lucknow free of all charges on and after the 1st May next, but they will be rejected if not equal to the specimen. In case of failure to furnish them when required they will be obtained elsewhere.

No payment in advance will be made.

The Forms are in English and Vernacular, the former are on

Foolscap paper of 1 sheet.

$\frac{1}{2}$  "  
 $\frac{1}{4}$  "  
 $\frac{1}{8}$  "

and the latter on

Serampore of the above sizes, and 1 sheet Bengal paper.

Intending Tenderers may get a list of the Form and full particulars from the Secretary's Office.

J. REID,

*Secy. to the Chief Commr., Oudh.*

LUCKNOW,  
*The 24th February 1863.*





# The Calcutta Gazette.

WEDNESDAY, MARCH 18, 1863.

## Home Department.

### LEGISLATIVE.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor General on the 10th March 1863, and is hereby promulgated for general information:—

#### ACT No. XIV. of 1863.\*

*An Act to amend Act X of 1859 (to amend the Law relating to the Recovery of Rent in the Presidency of Fort William in Bengal).*

WHEREAS it is expedient to amend Act X of 1859 (to amend the Law relating to the Recovery of Rent in the Presidency of Fort William in Bengal) so far as it relates to the Territories under the Government of the Lieutenant-Governor of the North-Western Provinces of the Presidency of Fort William in Bengal, and to authorize the extension of the Act to places to which its provisions do not now apply; It is enacted as follows:—

I. In addition to the suits specified in Sections XXIII and XXIV of Act X of 1859, the following suits shall be cognizable by the Collectors of Land Revenue under the provisions of the said Act, and, except in the way of appeal as provided in the said Act, shall not be cognizable in any other Court or by any other Officer or in any other manner (that is to say):—

1st.—Suits by Lamberdars for arrears of Government revenue payable through them by the co-sharers whom they represent.

2nd.—Suits by co-sharers for their share of the profits of an estate or any part thereof after payment of the Government revenue and village expenses, or for a settlement of accounts.

3rd.—Suits by Maafedars or assignees of Government revenue for arrears of revenue owing to them as such Maafedars or assignees.

4th.—Suits by Talookdars and other superior proprietors for arrears of revenue or otherwise (not being rent claimable under Section XXIII of the said Act X of 1859) due to them as such Talookdars or other superior proprietors.

II. Suits instituted under the preceding Section shall be instituted within three years from the date when the arrear or the amount of profits claimed shall have become due, or if the suit be for an arrear, or for profits due at the time of the passing of this Act, it shall be instituted within three years after the passing of this Act, or within the period now allowed for the institution of such suits in the Civil Court, whichever may first expire. If the suit be for a settlement of accounts, the suit shall be brought within one year after the expiration of the year to which the accounts relate, or in the case of any claim for such settlement now existing, within one year from the time of the passing of this Act, or within the period now allowed for the institution of such suits in the Civil Court, whichever may first expire.

III. In addition to the grounds mentioned in Section XVIII of the said Act X of 1859, upon which a ryot, having a right of occupancy, can claim an abatement of the rent previously paid by him, every such ryot may claim abatement on the ground that the rate of rent paid by him is above the prevailing rate payable by the same class of ryots for land of a similar description, and with similar advantages, in the places adjacent.

IV. Clause 2 of Section XXIII of the said Act X of 1859 shall be read as if the words "or by any other means not warranted by law" were added thereto.

V. From the date of the passing of this Act Sections XXXIV and LXXXVI of the said Act X of 1859 shall cease to have effect in the Territories under the Government of the Lieutenant-Governor of the North-Western Provinces, and shall not come into force in any place to which this Act shall be extended as hereinafter provided, and the following Sections are enacted in lieu thereof:—

Section XXXIV. Suits under this Act shall be instituted by presenting to the Collector a plaint or statement of claim, which shall contain the name, description, and place of abode of the plaintiff, the name,

Procedure in the institution of suits under this Act.

be instituted by presenting to the Collector a plaint or statement of claim, which shall contain the name, description, and place of abode of the plaintiff, the name,

description, and place of abode of the defendant, so far as they can be ascertained, the substance and value of the claim, estimated according to any law for the time being in force for the valuation of suits, and the date of the cause of action."

"Section LXXXVI. Process of execution may be issued against either the person or the property of a judgment debtor, but process shall not be issued simultaneously against both person and property. Such process may be issued on the oral application of the judgment creditor, his agent, or mookhtar, made at the time the decree is passed, or thereafter upon the written application of the judgment creditor, his agent, or mookhtar. Process of execution against the person or moveable property of a debtor shall be in form E or F contained in the Schedule to the said Act X of 1859, or to the like effect."

VI. The provisions of Section 243 and 244 of the Code of Civil Procedure shall be applicable to decrees passed in suits under the said Act X of 1859, or this Act, in which the Collector shall award a sum of money on account either of an arrear of Government revenue, or of profits, or otherwise. Orders passed by a Collector under either of the said Sections shall be subject to revision by the Commissioner of the Division and the Sudder Board of Revenue, but shall not be open to appeal to the Civil Court.

VII. Section CXII of the said Act X of 1859 shall be read as if the words "or where the rent of a puttee is not collected by a Lamberdar, through the putteedar who is entitled to collect the rent" were added at the end of such Section.

VIII. The local Government may invest any Officer employed in making or revising settlements of the land revenue, with the powers of a Collector as described in the said Act X of 1859, for the decision of suits arising within the local limits of the jurisdiction assigned to such Officer, of the nature mentioned in Section XXIII of the said Act; or in this Act, while such Officer is so employed.

IX. In the exercise of the powers given under the last preceding Section, the Officer so invested shall have power to determine all disputes existing between Zemindars, Talookdars or other Sudder Malgoozars, or Farmers of land, or any person duly authorized on their behalf, and any dependent Zemindar, ryot or other under-tenant of whatever denomination, regarding the rates of rent payable by such dependent Zemindar, under-tenant, ryot, or other tenant.

X. If a suit for enhancement of rent be brought before any Officer empowered under Section VIII of this Act to hear the same, such suit shall be heard and determined by such Officer notwithstanding that no notice of enhancement shall have been served under Section XIII of the said Act X of 1859 on the party from whom such enhanced rent is claimed. In such case the statement of claim shall set forth the grounds on which such enhancement of rent is claimed. If a decree be passed in favor of the claimant, such

decree shall have effect only from the commencement of the next agricultural year after the date of the decree.

XI. Whenever a claim to enhancement or abatement of rent against or by any number of ryots is brought before an Officer engaged in making or revising settlements, and empowered under Section VIII of this Act to hear such claim, such ryots may be sued or may sue collectively, and it shall be no ground for dismissing or refusing to hear the claim that such ryots are wrongly joined as plaintiffs or defendants, Provided all such ryots cultivate in the same Estate, but no decree shall be passed in any such case in which an enhancement of rent is claimed, unless such Officer as aforesaid shall be satisfied that every ryot has had an opportunity to appear and make objection to the claim preferred against him. Provided also that every decree passed in any such case shall specify the extent to which each of the ryots named in the decree shall be affected thereby.

XII. All decisions passed under the foregoing Sections by an Officer engaged in making or revising settlements, and invested as above, shall be open to the same appeal as is given by the said Act X of 1859 in respect to decisions passed by a Collector in suits of the same description. Provided that no decree passed in any such suit by an Officer engaged in making or revising settlements before the passing of this Act, shall be open to question solely on the ground of want of jurisdiction in the Officer who passed such decree, or of any error, defect, or irregularity in procedure not productive of injury to either party, but an appeal shall lie against such decree in like manner as if the suit had been decided under this Act.

XIII. In all cases in which rents have heretofore been paid in kind, or by computation of the estimated value of a portion of the crop, it shall be lawful for an Officer employed in making or revising the settlement of the land revenue, on the application either of the payer or the receiver of the rent, to commute such rent into a fixed money payment. The rate or amount of rent thus fixed shall be binding upon the parties concerned, subject to the provisions of the said Act X of 1859. All decisions already passed by any such Officer, commuting rents in kind, or by valuation, to fixed rents in money shall, subject to the same appeal as is given by the said Act X of 1859 in respect to decisions passed by a Collector in suits under the said Act, be legal and binding.

XIV. The provisions of Chapter VI. (relative to arbitration) of the Code of Civil Procedure shall apply to suits under the said Act X of 1859, and under this Act.

XV. In any District through which any canal passes, in respect of which any water rate is payable to Government, it shall be lawful for the local Government to appoint any proprietor or farmer of an estate through which such canal passes in such District, with the consent of such proprietor or farmer, to be a lamberdar for the collection of such water rate in such estate, and



thereupon the amount annually payable on account of such water rate by the dependent Zemindars, ryots, and other under-tenants in such estate shall (subject to such abatement on account of commission or otherwise as shall be allowed by the local Government to such lumberdar), be held to be a charge on the estate of such proprietor, or farmer, and shall be added to the assessment payable to Government in respect of such estate, and the amount thereof shall be recoverable in like manner as the assessment on such estate, and for the purpose of collecting such water rate from the dependent Zemindars, ryots, and other tenants in such estate liable thereto, such lumberdar shall have the like powers, and shall be subject to the same rules as are provided in any law for the time being in force in respect of the collection of the rent of land.

XVI. If any person shall be arrested under Rule as to person Section CXLV of the said Act X of 1859, he shall be brought before the Collector with all convenient speed, and the Collector shall proceed forthwith to try the case. If the case cannot be at once heard and determined, the Collector may, if he think fit, require the party arrested to give security for his person whenever the same may be required. In default of such security, the party arrested may be committed to the Civil Jail until the case is tried.

XVII. Doubts having been entertained as to whether the decisions passed by a Zillah Judge in regular appeal under the said Act X of 1859 are open to special appeal, it is hereby declared that it was the intention of the said Act that such decisions should be open to special appeal to the Sudder Court in the same manner, and subject to the same rules, as the decisions of Zillah Judges passed in regular appeal are open to special appeal under the Code of Civil Procedure.

XVIII. This Act shall be read and taken, in the Territories under the Government of the Lieutenant-Governor of the North-Western Provinces, and in all places to which this Act shall be extended under the next following Section, as part of the said Act X of 1859.

XIX. It shall be lawful for the Governor-General of India in Council to extend the provisions of Act X of 1859 as amended by this Act to any Territories immediately administered by the Government of India, or for the Lieutenant-Governor of the North-Western Provinces, and of the Punjab, respectively, to extend the said Act amended as above to any part of the Territories under their respective Governments, in which the said Act X of 1859 is not now in force. Whenever the said Act amended as above shall be so extended, the Governor-General of India in Council, or the Lieutenant-Governor who shall so extend the same, shall declare by what Officers in the said Territories or any parts thereof, to which the said Act X of 1859 amended as above shall be extended, the powers given by the said Act shall be exercised, and such Officers shall thereupon be authorized to exercise such powers.

M. WYLIE,

Deputy Secy. to the Govt. of India,  
Home Department.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th March 1863, and is hereby promulgated for general information.—

Act No. XV of 1863.

*An Act to amend Act I of 1859 (for the amendment of the law relating to Merchant Seamen.)*

WHEREAS it is expedient to amend the provisions of Act I of 1859 (for the amendment of the law relating to Merchant Seamen) in so far as the said Act relates to agreements with Natives of India; to vessels trading from the Straits Settlement to the Gulf of Siam, and the Eastern Archipelago; and to the cancellation and suspension of certificates of competency and service; It is enacted as follows:—

I. Sections XVII, XXI, LXXXI and LXXXII of the said Act I of 1859, and Act XXVIII of 1861 (to extend the provisions of Act I of 1859 for the amendment of the law relating to Merchant Seamen) are hereby repealed.

II. Sections IX to XVI of the said Act I of 1859 shall not apply to ships registered under Act X of 1841, (for prescribing the rules to be observed, in order that ships or vessels belonging to Ports within the Territories under the Government of the East India Company, or belonging to Native Princes or States, or their Subjects, may become entitled to the privileges of British ships under a proclamation of the Governor-General of India in Council, made in pursuance of the Statute 3 and 4 Victoria, Chapter 56), and trading between Ports in India and the Coast of Arabia, when such ships are navigated and manned exclusively by Arabs, Lascars, or other Asiatic Masters and Seamen, or to ships of less than 200 tons burden registered under the said Act X of 1841, and trading between any Port of the Settlement of Prince of Wales' Island, Singapore and Malacca, and the Gulf of Siam, or the Eastern Archipelago, when such ships are navigated exclusively by Malays, Lascars, or other Asiatic Masters and Seamen.

III. The Master of every ship, except ships of a burden not exceeding three hundred tons employed only in the Home-trade, shall enter into an agreement with every Seaman and with every Native of India not being a Seaman whom he carries to sea from any Port in India as one of his crew, in the manner hereinafter mentioned; and every such agreement shall be in a form sanctioned by the Governor-General of India in Council, and shall be dated at the time of the first signature thereof, and shall be signed by the Master before any Seaman or other person aforesaid signs the same, and shall contain the following particulars as terms thereof; (that is to say):—

- 1.—The nature and, as far as practicable, the duration of the intended voyage or engagement.
- 2.—The number and description of the crew, specifying how many are engaged as sailors.
- 3.—The time at which each Seaman and each Native of India not being a Seaman is to be on board or to begin work.
- 4.—The capacity in which each Seaman and Native of India not being a Seaman is to serve.

5.—The amount of wages which each Seaman and each Native of India not being a Seaman is to receive.

6. A scale of the provisions which are to be furnished to each Seaman and to each Native of India not being a Seaman.

7. Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by the Government as regulations proper to be adopted and which the parties agree to adopt.

And every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the Master and Seaman, and each Native of India not being a Seaman, in each case (not being inconsistent with the provisions of this Act), as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law. Provided that, if the

Master of any ship belonging to the United Kingdom or any British possession has an agreement with his crew made in due form according to the law of the place to which such ship belongs, or in which her crew were engaged, and engages single Seamen, or any Native of India not being a Seaman, in any Port in India, such Seaman or other person aforesaid may sign the agreement so made, and it shall not be necessary for such Seaman or other person aforesaid to sign an agreement under this Act. Provided also that, in the case of

Lascars or other Native Seamen, and every Native of India not being a Seaman, when it shall be agreed that the service of any such Seaman or other person aforesaid shall end at any Port not in India, the agreement shall contain stipulations for providing for such Seaman or other person aforesaid fit employment on board some other vessel bound to the Port at which he was shipped, or such other Port as may be agreed on, or for providing for him a passage to some such Port as aforesaid free of charge, or on such other terms as may be agreed on; and every such stipulation shall be signed by the owner of the vessel or by the Master on his behalf.

IV. Every Court having Admiralty jurisdiction in India, and the principal Court of Ordinary Criminal Jurisdiction at every Port in India where there is no Court having Admiralty jurisdiction, is hereby authorized to investigate and try charges of incompetency or misconduct on the part of any Master, Mate or Engineer of any ship, who shall have obtained his certificate from the Board of Trade, and to make enquiry as to shipwreck or other casualties affecting ships; and if on such investigation it shall appear to any such Court as aforesaid, that the loss or abandonment of, or any serious damage to, any ship, or loss of life, has been caused by the wrongful act or default of any such Master, Mate or Engineer, or that any such Master, Mate or Engineer has been guilty of any gross act of misconduct, drunkenness, or tyranny, such Court may suspend for such period as it shall think fit, or may cancel such certificate whether of competency or service of such Master, Mate or Engineer, and the Court shall report the same to the local Government,

within whose limits such Court is situated. Provided that no certificate shall be cancelled or suspended unless a copy of the Report or a Statement of the case upon which the investigation is made, shall have been furnished to the owner of the certificate before the commencement of the investigation. Provided also that the Report of such Court is confirmed by the Governor or other person administering the local Government wherein such Court is held.

V. Every Court by which any investigation or trial is held under the last preceding Section shall, at the conclusion of the case, or as soon afterwards as possible, state in open Court the decision to which they may have come with respect to cancelling or suspending certificates, and shall in all cases send a full report upon the case with the evidence to the Board of Trade, and shall also, if they determine to cancel or suspend any certificate, forward such certificate to the Board of Trade with their Report.

VI. If the local Government, on the information of any Shipping Master, or on any other ground, has reason to believe that any Master or Mate who has obtained a certificate of competency or service from such Government, or from any other local Government, is, from incompetency or misconduct, unfit to discharge his duties, it may direct any Board or Officer at or near to the place at which it may be convenient for the parties and witnesses to attend, to institute an investigation; and thereupon such Board or Officer shall conduct the investigation into such charge of incompetency or misconduct, and shall, on the conclusion of the investigation, make a report upon the case to the local Government which ordered the investigation.

VII. For the purpose of any such enquiry under Section IV or Section VI, the Court, Board or Officer may summon the Master, Mate or Engineer, as the case may be, to appear, and shall give him full opportunity of making a defence, either in person or otherwise, and may summon and examine witnesses, and may make such order with respect to the costs of such investigation, and may require such security for costs, as such Court, Board, or Officer may deem just. Every order in respect of costs under this Section may be enforced in like manner as a fine may be enforced by a Magistrate in the Port where such investigation is held.

VIII. The local Government may suspend or cancel the certificate (whether of competency or service) granted by such local Government or by any other local Government under the said Act I of 1859, to any Master or Mate in the following cases; (that is to say) —

Clause 1. If upon any investigation conducted under the provisions of Sections C, CI, and CII of Act I of 1859, it is reported that the loss or abandonment of, or serious damage to any ship, or loss of life, has been caused by his wrongful act or default.

Local Government may cancel or suspend certificates in certain cases.

Loss, abandonment or serious damage by default of Master or Mate.



*Clause 2.* If upon any investigation held under Section VI of this Act, the Master or Mate shall be reported to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness, or tyranny.

*Clause 3.* If upon any investigation held under the provisions of the Merchant Shipping Act 1854, or the Merchant Shipping Amendment Act 1862, or upon any investigation made by a Naval Court constituted as is provided by any law for the time being in force, or upon any investigation made by any Court or Tribunal authorized or hereafter to be authorized by the Legislative Authority in any British possession to make enquiry into charges of incompetency or misconduct on the part of Masters or Mates of ships, or as to shipwreck or other casualties affecting ships, it is reported that the loss or abandonment of, or serious damage to any ship, or loss of life, has been caused by his wrongful act or default; or that he has been guilty of any gross act of misconduct, drunkenness, or tyranny. Provided always that, in the case of any report\* by any such last-mentioned Court or Tribunal, the report shall have been confirmed by the Governor or person administering the Government of such possession.

*Clause 4.* If he has been superseded by the order of any Admiralty Court, or of any Naval Court constituted as provided by the Merchant Shipping Act 1854, or any other law for the time being in force.

*Clause 5.* If he is shown to have been convicted of any offence.

**IX.** Every Master, Mate or Engineer whose certificate is cancelled or suspended under the provisions of this Act, shall deliver it to the Shipping Master, or to such other person as the Court or the local Government which cancelled or suspended the certificate shall direct, and in default, shall, for each offence, incur a penalty not exceeding five hundred Rupees. Provided that if the local Government which cancels or suspends a certificate of a Master or Mate is not the local Government that granted the same, the local Government which so cancels or suspends the certificate, shall report the proceedings and the fact of cancellation or suspension to the local Government which granted such certificate. Provided also that it shall be competent to any local Government at any subsequent time to grant to any person whose certificate has been cancelled a new certificate of the same or of any lower grade.

*Proviso for report to other local Governments.* Government which so cancels or suspends the certificate, shall report the proceedings and the fact of cancellation or suspension to the local Government which granted such certificate. Provided also that it shall be competent to any local Government at any subsequent time to grant to any person whose certificate has been cancelled a new certificate of the same or of any lower grade.

**X.** Nothing in this Act shall be held to affect the powers of removal vested by Section CCXL of the Merchant Shipping Act of 1854, or Section LXXX of the said Act I of 1859 in Courts having Admiralty jurisdiction in India. The said powers may be exercised by the principal Court of ordinary Criminal jurisdiction at any Port in India where there is no Court having Admiralty

jurisdiction if the Master or Mate shall have received his certificate from any local Government.

*Act to be taken as part of Act I of 1859.* **XI.** This Act shall be read and taken as part of the said Act I of 1859.

M. WYLIE,

*Depy. Secy. to the Govt. of India,*

*Home Department.*

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th March 1863, and is hereby promulgated for general information:—

#### ACT No. XVI OF 1863.

*An Act to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry.*

**Preamble.** WHEREAS it is expedient to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry; It is enacted as follows:—

**I.\*** Spirits intended to be used exclusively in Arts and Manufactures or in Chemistry may be removed from any licensed Distillery in any part of British India on payment of duty calculated at 10 per cent. on the value of the Spirits, provided that no Spirits shall be so removed until they have been effectually and permanently rendered unfit for human consumption.

**II.** The Board of Revenue, or other authority specially authorized in that behalf by the local Government, shall prescribe from time to time, subject to the approval of the local Government, rules for ascertaining and determining that Spirits proposed to be removed for the purposes aforesaid have been effectually and permanently rendered unfit for human consumption, as required by Section I of this Act; for causing such Spirits to be so rendered, if necessary, by its own officers at the expense of the person who wishes to remove them; and for fixing the value of the Spirit on which the *ad valorem* duty shall be levied.

**III.** Every person who shall wilfully contravene any rule prescribed by the Board of Revenue, or other Authority as aforesaid, under the last preceding Section of this Act, shall be liable on conviction before any Officer exercising the powers of a Magistrate to a penalty not exceeding five hundred Rupees for every such offence.

**IV.** Every person who shall attempt, or shall connive at an attempt, to render fit for human consumption Spirits removed from a Distillery under the provisions of this Act, shall be liable to a penalty not exceeding one thousand Rupees; and the possessor of such

Spirits on which such attempt has been made, or which may have been rendered fit for human consumption, shall be liable on conviction before any Officer exercising the powers of a Magistrate to a penalty not exceeding five hundred Rupees.

V. Any penalty imposed under either of the last two preceding Sections may in case of non-payment be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of the Officer by whom such penalty was imposed.

VI. In case any such penalty shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

VII. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer by the confession of the offender or otherwise that he has not sufficient goods and chattels whereupon such penalty could be levied if a warrant of distress were issued, any such Officer may by warrant under his hand commit the offender to the Civil Jail, there to be imprisoned, according to the discretion of such Officer, for any term not exceeding two Calendar months when the amount of penalty shall not exceed fifty Rupees, and for any term not exceeding four Calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six Calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

VIII. The prohibition contained in Section XI of Act III of 1852 (to amend the law relating to spirituous and intoxicating liquors, drugs, and preparations within the Territories subordinate to the Presidency of Bombay) against mixing any noxious drug or material in, or by other process adulterating Spirits manufactured under the provisions of Regulation XXI of 1827 of the Bombay Code, or of the said Act III of 1852, shall not apply to Spirits rendered unfit for human consumption under this Act.

IX. In every case of conviction under Section III or Section IV of this Act the liquor or Spirits with the cask or vessel containing the same, and the cart, boat, and animal or animals employed in carrying such liquor or Spirit shall be liable to confiscation.

M. WYLIE,

*Depy. Secy. to the Govt. of India.*

*Home Department.*

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th March 1863, and is hereby promulgated for general information :—

Act No. XVII or 1863.

*An Act to authorize the extension of the term of Office of the Municipal Commissioners in the Settlement of Prince of Wales' Island, Singapore and Malacca.*

WHEREAS it is expedient that the term of Office of the Municipal Commissioners in the Straits Settlement should be extended; It is enacted as follows :—

I. Section XIX of Act XXVII of 1856 (for appointing Municipal Commissioners, and for levying rates and taxes in the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca), is repealed. The operation of Section XV of the said Act shall be suspended at the election of Municipal Commissioners under the said Act, to be held next after the passing of this Act.

II. The Governor of the Settlement shall, upon the appointment of the Commissioner whom he is empowered by the said Act XXVII of 1856 Section V to appoint, declare for what number of years, not exceeding three, such Commissioner shall hold Office.

III. The Municipal Commissioners of Prince of Wales' Island, Singapore, and Malacca, respectively, who shall be chosen at the said next election by the largest number of votes, shall hold their Office for one, two, or three years, as shall be determined in manner hereinafter mentioned.

IV. The Municipal Commissioner who is chosen at such next election by the largest number of votes shall hold his Office for three years; the Municipal Commissioner who is chosen by the next largest number of votes shall hold his Office for two years, and the remaining Municipal Commissioner shall hold his Office for one year.

V. If at any of the said Stations the three Municipal Commissioners chosen at the said next election shall be elected by an equal number of votes, the Governor, or, in his absence from such Station, the Resident Councillor shall declare and appoint the periods of three years, two years, and one year, respectively, for which every such elected Municipal Commissioner shall hold Office.

VI. If at any of the said Stations at the said next election two of the Municipal Commissioners chosen shall have an equality of votes, but such number shall be greater than the number of

And in case of votes for two being equal and yet greater than for the third.



votes given for the third Municipal Commissioner; the Governor, or, in his absence, the Resident Councillor shall declare and appoint the periods of three years, and two years, respectively, for which each of the said two Municipal Commissioners shall hold Office; and the other Municipal Commissioner shall hold Office for one year only.

VII. If at any of the said Stations at the said next election one of the Municipal Commissioners chosen shall have a number of votes larger than the other two Municipal Commissioners, and such other two Commissioners shall have an equality of votes, the Municipal Commissioner who shall have such larger number of votes shall hold Office for three years, and the Governor, or, in his absence, the Resident Councillor shall declare the periods of two years, and one year, respectively, for which each of the other two Municipal Commissioners shall hold Office.

VIII. If at any of the said Stations an equal number of votes be given for any two or more candidates at the said next election, so that the Sheriff or his Deputy is not able to declare as between such persons which of them has been elected, the Governor, or, in his absence, the Resident Councillor shall give a casting vote for one or more of such persons, and, reckoning such vote, shall declare the period for which such person or persons shall hold Office in manner provided in Section IV.

IX. Every Commissioner appointed under Section XVI of the said Act XXVII of 1856, in consequence of a refusal to act, a failure of election, or otherwise, shall hold Office for such term as the Governor or Resident Councillor of the Station shall declare. Provided that such term shall in no case exceed three years, and shall be a term which shall conform to the terms for which the other Commissioner or Commissioners shall have been declared and appointed to hold Office under Section IV of this Act, so that the three Commissioners shall hold their Offices for three years, two years, and one year, respectively.

X. Every Commissioner appointed under the provisions of Section XVII of the said Act XXVII of 1856, in place of any Commissioner elected at the said next election, shall hold Office for the term for which the Commissioner in whose place he is appointed was entitled to hold Office.

XI. The names of the persons elected or appointed to be Municipal Commissioners under this Act, and the terms for which such persons shall hold Office, shall be published in such manner as the Governor may direct.

XII. The Municipal Commissioners at each of the said Stations elected under the provisions of this Act shall enter upon their Office on the first day of January after their election, and shall hold Office for the periods hereinbefore provided. At every subsequent election under the said Act XXVII of 1856, one Commissioner only shall be elected. The Commissioner elected at such subsequent election shall hold Office for three years. Appointments to fill up any vacancy occasioned by the death, resignation, or refusal to act of any such Commissioner shall have effect for the period for which such Commissioner would have held Office but for such death, resignation, or refusal to act, and all the provisions of the said Act XXVII of 1856, so far as they are not affected by this Act, which relate to the election of three Commissioners at each annual election shall, so far as practicable, be construed to apply to the election of one Commissioner only.

XIII. This Act shall be read and taken as part of the said Act XXVII of 1856.

M. WYLIE,  
Depy. Secy. to the Govt. of India,  
Home Department.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th March 1863, and is hereby promulgated for general information:—

Act No. XVIII of 1863.

*An Act to make provision for the speedy and efficient disposal of the business now pending in the Office of the Master of the High Court of Judicature at Fort William in Bengal, and to provide for the abolition of the Oaths now administered to Hindoos and Mahomedans in the said Court, and to amend the Code of Civil Procedure in respect of process issued out of the said Court in the exercise of its Original Civil Jurisdiction.*

WHEREAS, at the time of the abolition of the late Supreme Court of Judicature at Fort William in Bengal, many matters which had been referred to the Master of the said Court were pending before him, and many of them are still pending before the Master of the High Court, and it is expedient that all such matters should be wound up and determined as expeditiously as possible, and whereas it is expedient that the law concerning the administration of oaths to Hindoos and Mahomedans in such Court should be assimilated to the law concerning such oaths in Courts not established by Royal Charter; and that the Code

of Civil Procedure should be amended in respect of process issued out of the said High Court in the exercise of its Ordinary Original Civil Jurisdiction. It is enacted as follows:—

I. In order as expeditiously as may be to wind up all the suits, matters, and things which are now pending before the Master of the said High Court of Judicature at Fort William Bengal, it shall be lawful for the Master, at any time after the passing of this Act at his own discretion, and without application on behalf of any of the parties to the suit or reference, and in such manner as he shall deem fit, to summon all or any of the parties to any suit, matter, or thing so pending, or their Solicitors, and thereupon to proceed with such suit, matter, or thing, and to give such directions and make such orders as he may think necessary for the purpose of settling and winding up the same; but any such order shall be subject to be discharged or varied by the said Court upon application made for that purpose, and the Master shall be at liberty to proceed *ex parte* for the purposes aforesaid in the absence of any of the parties or their Solicitors neglecting or refusing to attend the summons, and it shall also be lawful for the Master at his discretion to proceed with the reference, and to make a special report to the Court notwithstanding the death of any of the parties to the suit or reference, or their absence from the jurisdiction of the Court, or in cases in which, after search to the satisfaction of the Master, parties are not to be found within the jurisdiction of the Court, or it is uncertain whether such parties are living or dead.

II. In case the Master shall be unable by reason of the conduct of parties, or otherwise, to dispose finally of any suit, matter, or thing referred to or pending before him (within such time as he shall in that behalf determine), he shall be at liberty to report on or to dispose of any part thereof within his power, and to report or certify on the whole of the case; and upon such report or certificate the Court shall make such order as it shall think proper on all or any of the parties, for the further prosecution of the suit or matter, or for the final disposal thereof and for the payment of the costs thereof, including any of the costs which may have been incurred by reason of the conduct of the parties.

III. If within a time to be fixed by the Master in that behalf, the report or certificate of the Master shall not be brought before the Court, the Registrar shall bring such report or certificate before the Court, and the Court is hereby empowered to make such order or decree in the suit as to the Court shall seem fit.

IV. From and after the passing of this Act no reference shall be made to the Master except in cases in which, from some previous reference made in the suit or matter, or in some other suit

or matter connected therewith, the Court may think it expedient to make such reference.

V. From and after the passing of this Act all or any of the powers, authorities, and jurisdiction which at the time of the abolition of the said Supreme Court were vested in the Master in Equity, may be exercised by the High Court, or by a Judge of the said Court.

VI. Whenever it shall appear from the certificate of the Master that no proceedings have been taken in his Office for a period of one year in any reference pending before him; the Court shall have power to dismiss such suit, or to make such other order or decree in the suit as to the Court shall seem fit.

VII. It shall be lawful for any division Court consisting of more than one Judge to adjourn, for the consideration of a single Judge, any matters of account, detail, or other description which, in the opinion of such Court, may be more conveniently investigated by a single Judge sitting in Chambers, and such matters shall thereupon be investigated by a single Judge, who shall proceed with such investigation sitting either in Chambers or in open Court, and shall report thereon to a division Court, and such report shall as regards such division Court be final, but shall be open to revision by any Court of Appeal to whom the order or decree founded thereon may be appealed. The Chief Justice shall from time to time determine in each case what Judge shall take or proceed with the investigation.

VIII. The said High Court shall have power to make general rules or orders for winding up the business now pending in the Office of the said Master, and generally for regulating the conduct of business, and the manner in which the same shall be transacted in the Master's Office, and for regulating the procedure of a single Judge touching investigations before him under the provisions of this Act. Provided that such rules and orders shall not be inconsistent with the provisions of this Act, or of any Act for the time being in force relating to such matters.

IX. The proviso contained in Section IV of Act V of 1840 (concerning oaths and declarations of Hindoos and Mahomedans), that the said Act shall not apply to any declaration or affirmation made in any of Her Majesty's Courts of Justice, is hereby repealed, and Section I of the said Act V of 1840 shall be read as if the words following had been added thereto.

“And when verifying an Affidavit to the following effect:—I solemnly affirm in the presence of Almighty God that the signature to this is my name and handwriting, and that the contents of this Affidavit are true.”



X. After the passing of this Act notices to produce documents or writings, summonses to witnesses, and all other judicial process issued in the exercise of the Ordinary Original Civil Jurisdiction of the High Court of Judicature at Fort William in Bengal, except writs of summons to defendants issued under Section XLI of Act VIII of 1859 (the Code of Civil Procedure) and writs of execution, may be served by the Attorneys in the suit, or by persons employed by them, or in such other manner as the said High Court shall by any rules or orders from time to time direct.

XI. It shall not be necessary for a Judge of the said High Court to sign any writ, order, summons or other judicial process issued or made in the exercise of the Ordinary Original Civil Jurisdiction of the said High Court. The said High Court shall have power from time to time to direct that such writs, orders, or other process shall be signed by such Officer or Officers of the said Court as to the Court may seem fit.

XII. This Act may be extended to the High Court of Judicature at Madras, and the High Court of Judicature at Bombay, by an order of the Governor in Council of Fort St. George, and the Governor in Council of Bombay, respectively, to be published in the Official Gazettes of Madras and Bombay, respectively; and when so extended by such order, shall take effect in the said Courts from the date of the publication of such order. When so extended to either of such High Courts, this Act shall in all respects apply to such High Court in the same manner as if the name of such High Court had appeared in this Act wherever the name of the High Court of Judicature at Fort William in Bengal appears.

M. WYLIE,

*Depty. Secy. to the Govt. of India,  
Home Department.*

# HOME DEPARTMENT.

No. 1712.

*Fort William, the 14th March 1863.*

*Notification.*—The President in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William Mr. R. B. Chapman, of the Civil Service, who reported his return, on the 11th instant, from Furlough.

No. 1713.

*The 17th March 1863.*

The President in Council is pleased to permit Mr. Teignmouth Sandys to resign the Civil Service from the 1st of May next.

No. 1714.

The President in Council is pleased to attach Mr. A. R. Bulman, of the Civil Service, reported qualified for the Public Service, to the North-Western Provinces, the Punjab, and Oude.

No. 1715.

Mr. A. Weekes, a Junior Civil Servant, having obtained a Certificate of High Proficiency in Bengalli, has been presented with the authorized donation of Rupees 800.

Mr. J. H. Carter and S. O. B. Ridsdale, Junior Civil Servants, having passed in two languages (Persian and Hindee) at the fifth general monthly Examination after their arrival, have each been presented with the authorized donation of Rupees 800.

No. 1716.

It is hereby notified that the functions of the Reverend A. B. Spry as Commissary of the Diocese of Calcutta ceased on the 28th of February, in consequence of the return to the Presidency on that date of the Lord Bishop of Calcutta.

No. 1717.

The President in Council is pleased to permit the Reverend H. Hutton, who has completed a service of upwards of thirty-one years as Chaplain in the Bengal Ecclesiastical Establishment, to retire from the Service from the 8th proximo.

No. 1718.

Lieutenant W. G. Grove, Superintendent of Police in British Burmah, has obtained one month's privilege leave of absence from the date on which he may avail himself thereof.

No. 1719.

The President in Council is pleased to permit the Reverend A. W. Wallis, a Chaplain on the Bengal Establishment, to proceed to Europe on Furlough for a period of three years from the date of the sailing of the Vessel on which he may embark.

No. 1720.

Mr. James Vans Agnew, of the Civil Service, is permitted to proceed to Europe on Furlough for a period of three years from the date of embarkation.

E. C. BAYLEY,

*Secy. to the Govt. of India.*

## FOREIGN DEPARTMENT.

No. 90.

POLITICAL.

*Camp Meerut, the 11th March 1863.*

*Notification.*—His Excellency the Governor General is pleased to direct the publication of the following Order of Her Majesty in Council for the regulation of Consular Jurisdiction in the dominions of the Sublime Ottoman Porte :—

**Order of Her Majesty in Council for the Regulation of Consular Jurisdiction in the Dominions of the Sublime Ottoman Porte.**

At the Court at Osborne House, Isle of Wight, the 9th day of January 1863.

PRESENT :

The Queen's Most Excellent Majesty in Council.

WHEREAS by the Act of the Session of Parliament of the sixth and seventh years of Her Majesty's reign

(Chapter 54), "to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions and to render the same more effectual," hereinafter called the Foreign Jurisdiction Act, it

Foreign Jurisdiction Act (24 Aug. 1843.) 6 & 7 Vict. c. 94.

was enacted (among other things) that it was and should be lawful for Her Majesty to hold, exercise, and enjoy any power or jurisdiction which Her Majesty then had or might at any time thereafter have within any country or place out of Her Majesty's dominions in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory :

And whereas Her Majesty has had and now has power and jurisdiction in the dominions of the Sublime Ottoman Porte :

And whereas Her Majesty was pleased on the 27th day of August 1860, by and with the advice of Her Privy Council, to make, by Order in Council dated that day, provision for the exercise of Her power and jurisdiction aforesaid :

And whereas it has seemed to Her Majesty, by and with the advice of Her Privy Council, to be expedient at the present time to revise the

provisions of the said Order, and to make further provision for the due exercise of Her Majesty's power and jurisdiction aforesaid, and for the more regular and efficient administration of justice and the better maintenance of order among all classes of Her Majesty's subjects and of persons enjoying Her Majesty's protection resident in or resorting to the dominions of the Sublime Ottoman Porte :

Now, therefore, Her Majesty, by virtue of the powers in this behalf by the Foreign Jurisdiction Act or otherwise in Her vested, is pleased by and with the advice of Her Privy Council to order, and it is hereby ordered as follows :—

## I.—PRELIMINARY.

Date of coming into operation.

1. This Order shall come into operation on the first day of March 1863.

Repeal of former Order.

2. The Order of the 27th day of August 1860 shall be repealed.

This repeal shall not affect the past operation of that Order, or any appointment made or thing done under it.

Pending proceedings.

Pending proceedings shall be regulated by this Order as far as the nature and circumstances of each case admit.

3. In this Order—

Interpretation.

The term "the Ottoman dominions" means the dominions of the Sublime Ottoman Porte ;

The term "month" means calendar month ;

Words importing the plural or the singular may be construed as referring to one person or thing, or more than one person or thing, and words importing the masculine as referring to females (as the case may require).

British subjects and protected persons.

4. The provisions of this Order relating to British subjects apply to all subjects of Her Majesty whether by birth or by naturalization, and also to all persons enjoying Her Majesty's protection in the Ottoman dominions.

Ionians.

The provisions of this Order relating to British subjects shall also, until it is otherwise ordered, extend to subjects of the United States of the Ionian Islands, resident in or resorting to the Ottoman dominions, except in the following particulars :—

(1.) So far as those provisions relate to trial in Civil cases with a jury (with respect to which Ionian subjects shall be in the same position as foreigners), or to the serving on juries in Civil cases.

(2.) So far as those provisions confer or relate to the power of imposing punishment of an amount greater than that which can now be lawfully awarded in the case of an Ionian subject by a Consular Officer of Her Majesty in the Ottoman dominions.

(3.) So far as those provisions confer or relate to the power of deporting from the Ottoman dominions.

The provisions of this Order relating to British Ionian vessels extend to vessels navigating under the national commercial flag of the United States of the Ionian Islands.

The provisions of this Order relating to foreigners apply to subjects of the Sublime Ottoman Porte and subjects or citizens of any other Power or State (not being enemies of Her Majesty).

## II.—GENERAL PROVISIONS RESPECTING HER MAJESTY'S JURISDICTION.

5. All Her Majesty's jurisdiction exercisable in the Ottoman dominions for the judicial hearing and determination of matters in difference between British subjects, or between British subjects and foreigners,—or for the administration or control of the property or persons of British subjects,—or for the repression or punishment of crimes or offences committed by British subjects,—or for the maintenance of order among British subjects,—shall be exercised under and according to the provisions of this Order, and not otherwise.



6. Subject to the other provisions of this Order, the civil and criminal jurisdiction aforesaid shall, as far as circumstances admit, be exercised upon the principles of and in conformity with the Common Law, the Rules of Equity, the Statute Law, and other Law for the time being in force in and for England, and with the powers vested in and pursuant to the course of procedure and practice observed by and before Courts of Justice and Justices of the Peace in England, according to their respective jurisdictions and authorities.

7. Nothing in this Order shall be deemed to deprive Her Majesty's Consular Officers of the right to observe and to enforce the observance of any reasonable custom obtaining within the Ottoman dominions or to deprive any person of the benefit thereof, except where this Order contains some express and specific provision incompatible with the observance of such custom.

8. Except as to offences against the Capitulations, Articles of Peace, and Treaties between Her Majesty and the Sublime Ottoman Porte, or against any Rules and Regulations for the observance thereof or for the maintenance of order among British subjects in the Ottoman dominions made by or under the authority of Her Majesty, or against any of the provisions of this Order, or any Rule made under it,—

No act done by a British subject in the Ottoman dominions or on board a British vessel within those dominions, which would not by a Court of Justice having criminal jurisdiction in England be deemed a crime or offence rendering the person doing such act amenable to punishment in England, shall, in the exercise of criminal jurisdiction under this Order be deemed a crime or offence rendering the person doing such act amenable to punishment.

### III.—CONSTITUTION OF HER MAJESTY'S CONSULAR COURTS.

#### 1.—The Supreme Consular Court at Constantinople.

9. There shall be a Court styled "Her Britannic Majesty's Supreme Consular Court for the dominions of the Sublime Ottoman Porte."

10. The Supreme Consular shall hold its ordinary sittings at Constantinople; but may, on emergency, sit at any other place within the District of the Consulate-General of Constantinople, and may at any time hold its ordinary sittings at any such place within the Ottoman dominions as one of Her Majesty's Principal Secretaries of State may approve.

11. There shall be one Judge of the Supreme Consular Court.

He shall be appointed by Her Majesty by warrant under Her Royal sign Manual.

He shall be, at the time of his appointment, a member of the Bar of England, Scotland, or Ireland, of

not less than seven years' standing, or a subject of Her Majesty (by birth or naturalization) who shall have filled the office of Legal Vice-Consul in the Ottoman dominions or the office of Law Secretary to the Supreme Consular Court.

He shall hold by special commission from Her Majesty the appointment of Vice-Consul, but shall have rank and precedence as if he held appointment of Consul-General.

He may, in case of his absence from the District of the Consulate-General of Constantinople, either in the discharge of his duty, or with permission of one of Her Majesty's Principal Secretaries of State, or in case of illness, appoint, by writing under his hand and seal, a fit person to be his Deputy, who shall have all the power and authority of Judge.

During a vacancy in the office of Judge, or on emergency, a fit person, approved by one of Her Majesty's Principal Secretaries of State, may temporarily be and act as Acting Judge with all the power and authority of Judge.

12. There shall be attached to the Court—

(1.) One Legal Vice-Consul;

(2.) One Law Secretary;

(3.) So many Officers and Clerks as one of Her Majesty's Principal Secretaries of State may from time to time think fit.

One of Her Majesty's Principal Secretaries of State may from time to time temporarily attach to the Court such persons holding appointments as Consuls or Vice-Consuls as he may think fit.

13. The Legal Vice-Consul and the Law Secretary shall be appointed by Her Majesty.

They shall respectively hold by special commission from Her Majesty the appointment of Vice-Consul; but the Legal Vice-Consul shall always have rank and precedence above the Law Secretary.

The Legal Vice-Consul shall act as Registrar of the Court.

The Law Secretary shall discharge such duties in connexion with the conduct of criminal prosecutions as the Judge may from time to time direct.

The Legal Vice-Consul shall hear and determine in a summary way such criminal charges as may under this Order be properly so heard and determined, and as may be specially referred to him by the Judge.

The Law Secretary shall hear and determine in a summary way such criminal charges as may under this Order be properly so heard and determined, and as the Judge may from time to time think necessary for the dispatch of urgent business to refer specially to him.

Where a suit or proceeding of a civil nature, originally instituted in the Supreme Consular Court, relates to money goods or other property or any civil right or other matter at issue of a less amount or value than 100*l.* sterling, or is instituted for the recovery of damages of a less amount than 100*l.* sterling, the Judge may refer such suit or proceeding specially to the Legal Vice-Consul to be heard and determined by him, or if it appears to the Judge necessary for the dispatch of urgent business he may refer such suit or proceeding specially to the Law Secretary to be heard

and determined by him; but in all such cases an appeal shall lie as of course to the Judge.

In case of the absence or illness of the Legal Vice-Consul or Law Secretary, or during a vacancy in the office of Legal Vice-Consul or Law Secretary, or during the temporary employment of the Local Vice-Consul or Law Secretary in any other capacity, the Judge may, by writing under his hand and seal, appoint the Law Secretary to act temporarily as Legal Vice-Consul (if the case so requires), or any fit person approved by one of Her Majesty's Principal Secretaries of State to act temporarily as Legal Vice-Consul or as Law Secretary (as the case may require). The Law Secretary or other person so appointed shall have all the power and authority of Legal Vice-Consul or of Law Secretary (as the case may be).

Every Consul or Vice-Consul temporarily attached to the Court under Article 12 shall discharge such duties in connexion with the Court as the Judge may from time to time, with the approval of one of Her Majesty's Principal Secretaries of State, direct; and for that purpose shall have the like power and authority as the Legal Vice-Consul.

## II.—THE PROVINCIAL CONSULAR COURTS.

14. Each of Her Majesty's Consuls-General, Consuls, and Vice-Consuls (holding a commission as such from Her Majesty), resident in the Ottoman dominions (with the exception of Her Majesty's Consul-General at Constantinople, and with such other exceptions as one of Her Majesty's Principal Secretaries of State may at any time think fit to make), or any person acting temporarily, with the approval of one of Her Majesty's Principal Secretaries of State, as such a Consul-General, Consul, or Vice-Consul, shall, for and in his own Consular district, hold and form a Court styled "Her Britannic Majesty's Consular Court at [Smyrna, or as the case may be],"—hereinafter called a Provincial Consular Court.

## IV.—JURIES. ASSESSORS.

15. Every male British subject resident in the Ottoman dominions,—being of the age of 21 years or upwards,—being able to speak and read English,—having or earning a gross income at the rate of not less than 50*l.* a year,—not having been attainted of treason or felony or convicted of any crime that is infamous (unless he has obtained a free pardon),—and not being under outlawry,—shall be qualified to serve on a jury.

16. All persons so qualified shall be liable so to serve, except the following:—

Persons in Her Majesty's Diplomatic, Consular, or other Civil Service in actual employment;

Officers, Clerks, keepers of Prisons, Messengers, and other persons attached to or in the service of any Consular Courts;

Officers and others on full pay in Her Majesty's Navy or Army, or in actual employment in the service of any Department connected therewith;

Persons holding appointments in the Civil Service, and Commissioned Officers in the Naval or Military Service, of the Sublime Ottoman Porte;

Clergymen and Ministers in the actual discharge of professional duties;

Advocates and Attorneys in actual practice;

Physicians, Surgeons, and Apothecaries in actual practice; and except persons disabled by mental or bodily infirmity.

17. On or before the 14th day of March in the year 1863, and on or before the 14th day of January in every subsequent year, each Consular Court shall make out a list of the persons so qualified and liable, resident within its District.

The list shall, on or before the 21st day of the same respective month, be affixed in some conspicuous place in the Court, and shall be there exhibited until the 31st day of that month, with a notice annexed that on a day specified, not being sooner than the 7th or later than the 14th day of the then next month, the Court will hold a special sitting for the revision of the list.

The Court shall hold such special sitting accordingly, and at such sitting, or at some adjournment thereof (of which public notice shall be given), shall revise the list by striking out the name of any person appearing to be not qualified or not liable to serve, and by inserting the name of any person omitted and appearing to be so qualified and liable, either on the application of the person omitted, or on such notice to him as the Court may direct.

The list shall be finally revised and settled not later than the 21st day of April in the year 1863, and not later than the 21st day of February in every subsequent year, and when settled shall be affixed in some conspicuous place in the Court, and be there exhibited during not less than two months.

Such list, as settled in the year 1863 and in every subsequent year respectively, shall be brought into use, in the year 1863 on the first day of May, and in every subsequent year on the 1st day of March, and shall be used as the Jury List of the Court, as to the year 1863 for the ten months, and as to every subsequent year for the twelve months, then next ensuing.

18. Where, in pursuance of this Order, a jury is required, the Court shall summoning and attendance of jurors. summon so many of the persons comprised in the Jury List, not fewer than fifteen, as may seem requisite.

Any person failing to attend according to such summons shall be liable to Penalty. such fine, of not more than 10*l.* sterling, as the Court may impose.

Any such fine shall not be levied until after the expiration of fourteen days. The proper Officer of the Court shall forthwith give to the person fined notice in writing of the imposition of the fine, and require him within six days after receipt of the notice to file an affidavit excusing his non-attendance (if he desire to do so). The Court shall consider the affidavit, and may, if it seems proper, remit the fine.

Number of jury: 19. A jury shall consist of five jurors.

In civil and in criminal cases the like challenges shall be allowed as in England, with this addition, that in civil cases each party may challenge three jurors peremptorily.

Unanimity. A jury shall be required to give an unanimous verdict.



Where there is a jury, all the proceedings at the trial shall be conducted in English,—evidence, if given in any other language, being interpreted in the usual way.

20. Where a Provincial Consular Court (not held before a resident Legal Vice-Consul) proceeds, in pursuance of this Order, to hear and determine any case, civil or criminal, with Assessors; the Court shall nominate and summon as Assessors not less than two and not more than four indifferent British subjects of good repute, resident in the District of the Court.

Where however, by reason of local circumstances, the Court is able to obtain the presence of one fit person only as Assessor, the Court may sit with him alone as Assessor, and where for like reasons it is not able to obtain the presence of any fit person as Assessor, it may sit without an Assessor; but in every such case the Court shall record in the minutes of proceedings its reasons for sitting with one Assessor only, or without an Assessor.

An Assessor shall not have voice or vote in the decision of the Court in any case, civil or criminal, but an Assessor dissenting in a civil case from any decision of the Court, or in a criminal case from any decision of the Court or the conviction or the amount of the punishment awarded, may record in the minutes of proceedings his dissent and the grounds thereof, and an Assessor dissenting shall be entitled to receive gratis a certified copy of the minutes.

#### V. JURISDICTION AND AUTHORITIES OF THE CONSULAR COURTS.

##### 1.—In General.

21. All Her Majesty's jurisdiction, civil and criminal, exercisable in the Ottoman dominions shall, for and within the District of the Consulate-General of Constantinople, be vested exclusively in the Supreme Consular Court as its ordinary original jurisdiction.

22. All Her Majesty's jurisdiction, civil and criminal, exercisable in the Ottoman dominions beyond the District of the Consulate-General of Constantinople, and not under this Order vested exclusively in the Supreme Consular Court, shall, to the extent and in the manner provided by this Order, be vested in the Provincial Consular Courts each for and within its own District.

23. The Supreme Consular Court shall have, in all matters civil and criminal, an original jurisdiction concurrent with the jurisdiction of the several Provincial Consular Courts, such concurrent jurisdiction to be exercised subject and according to the other provisions of this Order.

24. The Judge of the Supreme Consular Court may visit, or appoint the Legal Vice-Consul or the Law Secretary of the Supreme Consular Court to visit, in a magisterial or judicial capacity, any Provincial Consular Court, and there inquire of, or here and determine, any case, civil or criminal, pending in that Court, or arising within its

district,—or may appoint the resident Legal Vice-Consul of any Provincial Consular Court to visit in like manner any Provincial Consular Court where there is not a resident Legal Vice-Consul.

25. A Provincial Consular Court may, of its own motion, or on the application of any person concerned, report to the Supreme Consular Court the pendency of any case, Civil or Criminal which appears to the Provincial Consular Court fit to be heard and determined by the Supreme Consular Court.

The Supreme Consular Court shall thereupon direct in what mode and where the case shall be heard and determined.

26. Every Consular Court shall, in the exercise of every part of its respective jurisdiction, be a Court of Record.

27. Each Provincial Consular Court shall execute any writ or order issuing from the Supreme Consular Court, and take security from any person named in any writ or order for his appearance personally or by attorney, and in default of such security being given, or when specially ordered by the Supreme Consular Court so to do, send such person to Constantinople on board one of Her Majesty's vessels of war, or if there is no such vessel available then on board any British or other fit vessel.

The order of the Supreme Consular Court shall be sufficient authority to the commander or master of such vessel of war or other vessel to receive and detain such person, and carry him to and deliver him up at Constantinople according to the order.

28. The several Consular Courts shall be auxiliary to one another in all particulars relative to the administration of justice, Civil or Criminal.

29. Each Provincial Consular Court shall every six months furnish to the Supreme Consular Court a full and faithful report of every case, Civil and Criminal, brought before it, in such form as the Judge of the Supreme Consular Court may from time to time direct.

##### II.—IN CIVIL MATTERS.

##### Reconciliation and Arbitration.

30. Every Consular Court and its officers shall, as far as there is proper opportunity, promote reconciliation, and encourage and facilitate the settlement in an amicable way, and without recourse to litigation, of matters in difference between persons over whom the Court has jurisdiction.

31. Every Consular Court may promote reconciliation, and encourage and facilitate the settlement in an amicable way of any suit or proceeding pending before it.

32. A Consular Court may with the consent of the parties, refer to arbitration the final determination of any suit or proceeding pending before it, or of all matters in difference between the parties, on such terms and with such directions as to appointment of an arbitrator and other things as may seem fit, and may, if it thinks fit,

take from the parties, or any of them, security to abide by the result of the reference.

In any such case the award shall be final and conclusive.

On the application of any party a decree of the Court may be entered in conformity with the award, and such decree shall not be open to any appeal or re-hearing whatever.

33. Every agreement for reference to arbitration or submission to arbitration by consent between or by British subjects, may, on the application of any party, be made a rule of the Consular Court having jurisdiction in the matter of the reference or submission, which Court shall thereupon have power and authority to enforce the agreement or submission and the award made thereunder, and to control and regulate the proceedings before and after the award in such manner and on such terms as may be just.

*General Authority of Courts.*

34. The Supreme and every other Consular Court shall be a Court of Law and Equity, and of Equity; and (subject to the other provisions of this Order) shall have and may exercise all jurisdiction, power, and authority, legal, equitable, or other, which any Consul of Her Majesty by custom has or may exercise in the Ottoman dominions.

*Special Authorities of Courts.*

35. The Supreme and every other Consular Court shall be a Court of Bankruptcy, and as such shall, as far as circumstances admit, have, each for and within its own District, with respect to British subjects and to their debtors and creditors, being either British subjects or foreigners submitting to the jurisdiction of the Court, all such jurisdiction as for the time being belongs to the Court of Bankruptcy, and the County Courts in England, or to any other judicial authority having for the time being jurisdiction in England in Bankruptcy.

36. The Supreme Consular Court shall be a Court of Vice-Admiralty, and as such shall, for and within the Ottoman dominions, and for vessels and persons coming within those dominions, have all such jurisdiction as for the time being belongs to any Court of Vice-Admiralty in any of Her Majesty's possessions abroad, except any jurisdiction relating to prize or booty.

Every Provincial Consular Court held before a resident Legal Vice-Consul shall be a Court of Vice-Admiralty, and as such shall, for its own District, and for vessels and persons coming within that District, have the like jurisdiction.

37. The Supreme Consular Court shall, as far as circumstances admit, have in itself exclusively, for and within the dominions of the Sublime Ottoman Porte, with respect to British subjects, all such jurisdiction relative to the custody and management of the persons and estates of persons of unsound mind as for the time being belongs to the Lord Chancellor or other person or persons in England intrusted by virtue of Her Majesty's sign manual with the care and commitment of the custody of the persons and estates of persons found by inquisition in England, idiot, lunatic, or of unsound mind.

38. The Supreme Consular Court shall be a Court for Matrimonial Causes, and as such shall, as far as circumstances admit, have in itself exclusively, for and within the Ottoman dominions, with respect to British subjects, all such jurisdiction, except the jurisdiction relative to dissolution or nullity or jactitation of marriage, as for the time being belongs to the Court for Divorce and Matrimonial Causes in England.

39. The Supreme Consular Court shall be a Court of Probate, and as such shall, as far as circumstances admit, have, for and within the Ottoman dominions, with respect to the property of British subjects having at the time of death their fixed places of abode within those dominions, all such jurisdiction as for the time being belongs to Her Majesty's Court of Probate in England.

A Provincial Consular Court shall, however, also have power to grant probate or administration where there is no contention respecting the right to the grant, and it is proved on oath that the deceased had at the time of his death his fixed place of abode within the jurisdiction of the particular Court.

Probate or administration granted by a Provincial Consular Court shall have effect over all the property of the deceased within the Ottoman dominions, and shall effectually discharge persons dealing with an executor or administrator thereunder, notwithstanding any defect may afterwards appear in the grant. Such a grant shall not be impeachable by reason only that the decease had not at the time of his death his fixed place of abode within the particular jurisdiction.

From the death of a British subject, having at the time of death his fixed place of abode within the Ottoman dominions, intestate, until administration granted, his personal property within those dominions shall be vested in the Judge of the Supreme Consular Court, as the personal property of an intestate in England is vested in the Judge of Her Majesty's Court of Probate there.

If any person, other than one of Her Majesty's Consular Officers, takes possession of and in any manner administers any part of the personal property of any person deceased without obtaining probate or administration within three months after the death of the deceased, or within one month after the termination of any suit or dispute respecting probate or administration (if there is any such which is not ended within two months after the death of the deceased), he shall be liable to such penalty not exceeding 100*l.* sterling as the Court having jurisdiction in the matter of the property of the deceased may think fit to impose.

Penalty on administration without probate.

40. Where a suit instituted in the Supreme Consular Court, or in a Provincial Consular Court held before a resident Legal Vice-Consul, relates to money goods or other property, or any civil right or other matter at issue of the amount or value of 50*l.* sterling or upwards, or is brought for recovery of damages of the amount of 50*l.* sterling or upwards,—the suit

*Trial with a Jury.*

Cases for trial with jury.



shall, on the demand of either party, be tried with a jury.

In any case (except where, according to the Rules of the Court, the suit is to be heard and determined in a summary way) a suit so instituted may be tried with a jury, if the Court, of its own motion or on the application of either party, thinks fit so to order.

One of Her Majesty's Principal Secretaries of State may, by order under his hand, extend the present provision to any Provincial Consular Court not held before a resident Legal Vice-Consul where it appears to him a sufficient Jury List can be obtained.

*Trial with Assessors.*

41. Where a suit instituted in a Provincial Consular Court not held before a resident Legal Vice-Consul, relates to money goods or other property of a less amount or value than 300*l.* sterling,—or does not relate to or involve, directly or indirectly, a question respecting any Civil right or other matter at issue of the amount or value of 300*l.* sterling or upwards,—or is brought for recovery of damages of a less amount than 300*l.* sterling,—the Court may hear and determine the case without Assessors.

In all other cases the Court shall hear and determine the case with Assessors.

III.—IN CRIMINAL MATTERS.

42. Every Consular Court shall have authority to cause to be apprehended and brought before it any British subject being within the District of the Court and charged with having committed a crime or offence within the Ottoman dominions, or on board a British vessel within those dominions, and to deal with the accused according to the jurisdiction of the Court and in conformity with the provisions of this Order; or where the crime or offence is triable and is to be tried, England, to take the preliminary examination, and to commit the accused for trial, and cause or allow him to be taken to England.

43. Where a person charged with a crime or offence escapes or removes from the Consular District within which the crime or offence was committed and is found within another Consular District, the Consular Court within the District of which he is found may proceed in the case to examination, trial, and punishment, or in a summary way (as the case may require), in the same manner as if the crime or offence had been committed in its own District; or may, on the requisition or with the consent of the Court of the District within which the crime or offence was committed, send him in custody to that Court, or require him to give security for his surrender to that Court, there to answer the charge and be dealt with according to law.

Where any person is to be so sent in custody a warrant shall be issued by the Court within the District of which he is found, and such warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named and carry him to and deliver him up to the Court of the District within which the crime or offence was committed, according to the warrant.

44. Where a warrant or order of arrest is issued by a competent authority in Malta for the apprehension of a British subject, a native of Malta, or of any of its dependencies, who is accused of having committed a crime or offence within the jurisdiction of the authority issuing the warrant or order, and who is, or is supposed to be, in the Ottoman dominions, and the warrant or order is produced to a Consular Court, the Court may back the warrant or order, and the same, when so backed, shall be sufficient authority to any person to whom the warrant or order was originally directed, and also to any constable or other officer of the Court by which it is backed, to apprehend the accused at any place in the Ottoman dominions where the Court by which the warrant or order is backed has jurisdiction, and to carry him to and deliver him up at Malta, according to the warrant or order.

45. Malta shall be (under The Foreign Jurisdiction Act, Section IV.) the British Colony to which any person may be sent for trial who is charged with the commission of any crime or offence the cognizance whereof appertains to a Consular Court in the Ottoman dominions, where it is expedient that the crime or offence should be inquired of, tried, determined, and punished within Her Majesty's dominions.

The Judge of Supreme Consular Court may, where it appears so expedient, by warrant under his hand and seal and the seal of the Supreme Consular Court, cause the accused to be sent for trial to Malta accordingly.

Such warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and carry him to and deliver him up at Malta, according to the warrant.

Where any person is to be so sent to Malta, the Consular Court before which he is charged shall take the preliminary examination, and shall bind over such of the proper witnesses as may be British subjects in their own recognizances to appear and give evidence on the trial.

46. A Consular Court may promote reconciliation and encourage and facilitate the settlement in an amicable way of proceedings for assault or any other offence not amounting to felony and being of a private or personal character, on terms of payment of compensation or other terms that may seem reasonable or expedient, and may thereupon order the proceedings to be stayed.

47. All crimes which in England are capital shall be tried by the Judge of the Supreme Consular Court with a Jury.

Other crimes and offences above the degree of misdemeanour, tried before the Judge or any Officer of the Supreme Consular Court, and not heard and determined in a summary way, shall be tried with a Jury.

Any crime or offence tried before the Judge or any Officer of the Supreme Consular Court may be tried with a Jury where the Judge or other Officer so directs.

Subject to the foregoing provisions, such classes of Criminal cases within the original jurisdiction (ordinary or concurrent) of the Supreme

Backing of Maltese warrant.

Sending of prisoner to Malta for trial.

Encouragement of reconciliation.

Supreme Consular Court,—Jury;

Summary jurisdiction;

take from the parties, or any of them, security to abide by the result of the reference.

In any such case the award shall be final and conclusive.

On the application of any party a decree of the Court may be entered in conformity with the award, and such decree shall not be open to any appeal or re-hearing whatever.

33. Every agreement for reference to arbitration or submission to arbitration by consent between or by British subjects, may, on the application of any party, be made a rule of the Consular Court having jurisdiction in the matter of the reference or submission, which Court shall thereupon have power and authority to enforce the agreement or submission and the award made thereunder, and to control and regulate the proceedings before and after the award in such manner and on such terms as may be just.

*General Authority of Courts.*

34. The Supreme and every other Consular Court shall be a Court of Law and Equity, and of Equity; and (subject to the other provisions of this Order) shall have and may exercise all jurisdiction, power, and authority, legal, equitable, or other, which any Consul of Her Majesty by custom has or may exercise in the Ottoman dominions.

*Special Authorities of Courts.*

35. The Supreme and every other Consular Court shall be a Court of Bankruptcy, and as such shall, as far as circumstances admit, have, each for and within its own District, with respect to British subjects and to their debtors and creditors, being either British subjects or foreigners submitting to the jurisdiction of the Court, all such jurisdiction as for the time being belongs to the Court of Bankruptcy, and the County Courts in England, or to any other judicial authority having for the time being jurisdiction in England in Bankruptcy.

36. The Supreme Consular Court shall be a Court of Vice-Admiralty, and as such shall, for and within the Ottoman dominions, and for vessels and persons coming within those dominions, have all such jurisdiction as for the time being belongs to any Court of Vice-Admiralty in any of Her Majesty's possessions abroad, except any jurisdiction relating to prize or booty.

Every Provincial Consular Court held before a resident Legal Vice-Consul shall be a Court of Vice-Admiralty, and as such shall, for its own District, and for vessels and persons coming within that District, have the like jurisdiction.

37. The Supreme Consular Court shall, as far as circumstances admit, have in itself exclusively, for and within the dominions of the Sublime Ottoman Porte, with respect to British subjects, all such jurisdiction relative to the custody and management of the persons and estates of persons of unsound mind as for the time being belongs to the Lord Chancellor or other person or persons in England intrusted by virtue of Her Majesty's sign manual with the care and commitment of the custody of the persons and estates of persons found by inquisition in England, idiot, lunatic, or of unsound mind.

38. The Supreme Consular Court shall be a Court for Matrimonial Causes, and as such shall, as far as circumstances admit, have in itself exclusively, for and within the Ottoman dominions, with respect to British subjects, all such jurisdiction, except the jurisdiction relative to dissolution or nullity or jactitation of marriage, as for the time being belongs to the Court for Divorce and Matrimonial Causes in England.

39. The Supreme Consular Court shall be a Court of Probate, and as such shall, as far as circumstances admit, have, for and within the Ottoman dominions, with respect to the property of British subjects having at the time of death their fixed places of abode within those dominions, all such jurisdiction as for the time being belongs to Her Majesty's Court of Probate in England.

A Provincial Consular Court shall, however, also have power to grant probate or administration where there is no contention respecting the right to the grant, and it is proved on oath that the deceased had at the time of his death his fixed place of abode within the jurisdiction of the particular Court.

Probate or administration granted by a Provincial Consular Court shall have effect over all the property of the deceased within the Ottoman dominions, and shall effectually discharge persons dealing with an executor or administrator thereunder, notwithstanding any defect may afterwards appear in the grant. Such a grant shall not be impeachable by reason only that the deceased had not at the time of his death his fixed place of abode within the particular jurisdiction.

From the death of a British subject, beying at the time of death his fixed place of abode within the Ottoman dominions, intestate, until administration granted, his personal property within those dominions shall be vested in the Judge of the Supreme Consular Court, as the personal property of an intestate in England is vested in the Judge of Her Majesty's Court of Probate there.

If any person, other than one of Her Majesty's Consular Officers, takes possession of and in any manner administers any part of the personal property of any person deceased without obtaining probate or administration within three months after the death of the deceased, or within one month after the termination of any suit or dispute respecting probate or administration (if there is any such which is not ended within two months after the death of the deceased), he shall be liable to such penalty not exceeding 100*l.* sterling as the Court having jurisdiction in the matter of the property of the deceased may think fit to impose.

*Trial with a Jury.*

40. Where a suit instituted in the Supreme Consular Court, or in a Provincial Consular Court held before a resident Legal Vice-Consul, relates to money goods or other property, or any civil right or other matter at issue of the amount or value of 50*l.* sterling or upwards,—or is brought for recovery of damages of the amount of 50*l.* sterling or upwards,—the suit



shall, on the demand of either party, be tried with a jury.

In any case (except where, according to the Rules of the Court, the suit is to be heard and determined in a summary way) a suit so instituted may be tried with a jury, if the Court, of its own motion or on the application of either party, thinks fit so to order.

One of Her Majesty's Principal Secretaries of State may, by order under his hand, extend the present provision to any Provincial Consular Court not held before a resident Legal Vice-Consul where it appears to him a sufficient Jury List can be obtained.

*Trial with Assessors.*

41. Where a suit instituted in a Provincial Consular Court without a resident Legal Vice-Consul,—cases for Assessors, relates to money goods or other property of a less amount or value than 300*l.* sterling,—or does not relate to or involve, directly or indirectly, a question respecting any Civil right or other matter at issue of the amount or value of 300*l.* sterling or upwards,—or is brought for recovery of damages of a less amount than 300*l.* sterling,—the Court may hear and determine the case without Assessors.

In all other cases the Court shall hear and determine the case with Assessors.

III.—IN CRIMINAL MATTERS.

42. Every Consular Court shall have authority to cause to be apprehended and brought before it any British subject being within the District of the Court and charged with having committed a crime or offence within the Ottoman dominions, or on board a British vessel within those dominions, and to deal with the accused according to the jurisdiction of the Court and in conformity with the provisions of this Order; or where the crime or offence is triable and is to be tried, England, to take the preliminary examination, and to commit the accused for trial, and cause or allow him to be taken to England.

43. Where a person charged with a crime or offence escapes or removes from the Consular District within which the crime or offence was committed and is found within another Consular District, the Consular Court within the District of which he is found may proceed in the case to examination, trial, and punishment, or in a summary way (as the case may require), in the same manner as if the crime or offence had been committed in its own District; or may, on the requisition or with the consent of the Court of the District within which the crime or offence was committed, send him in custody to that Court, or require him to give security for his surrender to that Court, there to answer the charge and be dealt with according to law.

Where any person is to be so sent in custody a warrant shall be issued by the Court within the District of which he is found, and such warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named and carry him to and deliver him up to the Court of the District within which the crime or offence was committed, according to the warrant.

44. Where a warrant or order of arrest is issued by a competent authority in Malta for the apprehension of a British subject, a native of Malta, or of any of its dependencies, who is accused of having committed a crime or offence within the jurisdiction of the authority issuing the warrant or order, and who is, or is supposed to be, in the Ottoman dominions, and the warrant or order is produced to a Consular Court, the Court may back the warrant or order, and the same, when so backed, shall be sufficient authority to any person to whom the warrant or order was originally directed, and also to any constable or other officer of the Court by which it is backed, to apprehend the accused at any place in the Ottoman dominions where the Court by which the warrant or order is backed has jurisdiction, and to carry him to and deliver him up at Malta, according to the warrant or order.

45. Malta shall be (under The Foreign Jurisdiction Act, Section IV.) the British Colony to which any person may be sent for trial who is charged with the commission of any crime or offence the cognizance whereof appertains to a Consular Court in the Ottoman dominions, where it is expedient that the crime or offence should be inquired of, tried, determined, and punished within Her Majesty's dominions.

The Judge of Supreme Consular Court may, where it appears so expedient, by warrant under his hand and seal and the seal of the Supreme Consular Court, cause the accused to be sent for trial to Malta accordingly.

Such warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and carry him to and deliver him up at Malta, according to the warrant.

Where any person is to be so sent to Malta, the Consular Court before which he is charged shall take the preliminary examination, and shall bind over such of the proper witnesses as may be British subjects in their own recognizances to appear and give evidence on the trial.

46. A Consular Court may promote reconciliation and encourage and facilitate the settlement in an amicable way of proceedings for assault or any other offence not amounting to felony and being of a private or personal character, on terms of payment of compensation or other terms that may seem reasonable or expedient, and may thereupon order the proceedings to be stayed.

47. All crimes which in England are capital shall be tried by the Judge of the Supreme Consular Court with a Jury.

Other crimes and offences above the degree of misdemeanour, tried before the Judge or any Officer of the Supreme Consular Court, and not heard and determined in a summary way, shall be tried with a Jury.

Any crime or offence tried before the Judge or any Officer of the Supreme Consular Court may be tried with a Jury where the Judge or other Officer so directs.

Subject to the foregoing provisions, such classes of Criminal cases within the original jurisdiction (ordinary or concurrent) of the Supreme

Backing of Maltese warrant.

Sending of prisoner to Malta for trial.

Power of apprehension over British subjects.

Accused escaping to another district.

Encouragement of reconciliation.

Supreme Consular Court,—Jury;

Summary jurisdiction;

Consular Court as the Judge, having regard to the Law and practice existing in England, may from time to time direct, shall be heard and determined in a summary way.

48. The Supreme Consular Court may impose the punishment of imprisonment for any term not exceeding twenty years, with or without hard labor, and with or without a fine not exceeding 500*l.* sterling, or the punishment of a fine alone not exceeding 500*l.* sterling.

49. Where any person is convicted of murder, the proper Officer of the Court, under the direction of the Judge, shall, in open Court, require the offender to state if he has any thing to say why judgment of death should not be recorded against him.

Recording of judgment of death. If such offender does not allege anything that would be sufficient in Law to prevent such judgment if the offence had been committed and the trial had been had in England, the Court may order such judgment to be entered on record.

Thereupon the proper Officer shall enter judgment of death on record against such offender, as if judgment of death had been actually pronounced against him in open Court by the Court.

The Judge of the Supreme Consular Court shall forthwith send a report of every such judgment, with a copy of the minutes of proceedings and notes of evidence and any observations he may think fit to make, to one of Her Majesty's Principal Secretaries of State, for his direction as to the punishment to be actually imposed, such actual punishment not to exceed the measure of imprisonment and fine mentioned in Article 48.

50. Where a Provincial Consular Court is held before a resident Legal Vice-Consul, crimes and offences above the degree of misdemeanour, tried before the Court, and not heard and determined in a summary way, shall be tried with a jury.

Any crime or offence may be tried with a jury where the Court so directs.

Subject to the foregoing provisions, such classes of criminal cases as the Judge of the Supreme Consular Court, with the advice and assistance of the resident Legal Vice-Consul, having regard to the law and practice existing in England, may from time to time direct, shall be heard and determined in a summary way.

51. A Provincial Consular Court held before a resident Legal Vice-Consul may impose the punishment of imprisonment for any term not exceeding two years with or without hard labour, and with or without a fine not exceeding 100*l.* sterling, or the punishment of a fine alone not exceeding 100*l.* sterling.

52. Where the crime or offence with which any person is charged before a Provincial Consular Court, held before a resident Legal Vice-Consul, is any crime or offence other than assault endangering life, cutting, maiming, arson, or house-breaking, and appears to the Court to be such that, if proved, it would be adequately punished by imprisonment, with or without hard labour, for not more than three

months, or by a fine of not more than 25*l.* sterling, the Court shall hear and determine the case in a summary way and without Assessors.

In other cases the Court shall hear and determine the case on indictment and with Assessors.

53. A Provincial Consular Court not held before a resident Legal Vice-Consul may impose the punishment of imprisonment for any term not exceeding twelve months, with or without hard labour, and with or without a fine of 50*l.* sterling, or the punishment of a fine alone not exceeding 50*l.* sterling.

54. Where the crime or offence with which any person is charged before a Provincial Consular Court appears to the Court to be such that, if proved, it would not be adequately punished by such punishment as the Court has power to impose, and the accused is not to be sent for trial to England or Malta, the Court shall reserve the case to be heard and determined by or under the special authority of the Supreme Consular Court.

The Provincial Consular Court shall take the depositions, and forthwith send them, with a minute of other evidence, if any, and a report on the case, to the Supreme Consular Court.

The Supreme Consular Court shall direct in what mode and where the case shall be heard and determined.

55. The Supreme and every other Consular Court in imposing punishments shall have regard, as far as circumstances admit, and subject to the other provisions of this Order, to the punishments imposed by the law of England in like cases.

56. A Consular Court may order any person convicted before it of any crime or offence to pay all or any part of the expenses of his trial and imprisonment or other punishment.

Where it appears to the Court that a charge is malicious, or frivolous and vexatious, the Court may order all or any part of the expenses of the prosecution to be paid by the prosecutor.

57. Where the circumstances of the case render it just or expedient, the Judge of the Supreme Consular Court may report to one of Her Majesty's Principal Secretaries of State recommending a mitigation or remission of any punishment awarded by the Supreme or any other Consular Court; and on such recommendation any such punishment may be mitigated or remitted.

But no such recommendation shall be made with respect to any punishment awarded by a Provincial Consular Court, except on the recommendation of that Court, or on the dissent of the Assessors or Assessor, if any, from the conviction or from the amount of punishment awarded.

58. The Judge of the Supreme Consular Court may, where it seems expedient, by warrant under his hand and the seal of the Supreme Consular Court, cause any offender convicted before any Consular Court and sentenced to imprisonment, to be sent to and imprisoned at any such place in the Ottoman



dominions, as one of her Majesty's Principal Secretaries of State may, from time to time, approve.

Such warrant shall be sufficient authority to any person to whom it is directed, to receive and detain the person therein named and carry him to and deliver him up at such place, according to the warrant.

59. Malta shall be (under the Foreign Jurisdiction Act, Section V.) the British Colony to which any offender sentenced to suffer imprisonment in respect of any crime or offence of which he is convicted before any Consular Court may be sent, where it is expedient that the sentence passed in the Ottoman dominions should be carried into effect within Her Majesty's dominions.

The Judge of the Supreme Consular Court may, where it appears so expedient, by warrant under his hand and seal and the seal of the Supreme Consular Court, cause such offender to be sent to Malta, in order that the sentence passed upon him may be there carried into effect accordingly.

Such warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named and carry him to and deliver him up at Malta, according to the warrant.

60. The Supreme Consular Court shall forthwith send to one of Her Majesty's Principal Secretaries of State a report of the sentence passed by the Judge or any Officer of the Court in every case not heard and determined in a summary way, with a copy of the minutes of proceedings and notes of evidence and any observations the Court may think fit to make.

Every Provincial Consular Court shall forthwith send to the Supreme Consular Court a report of the sentence passed by it in every case not heard and determined in a summary way, with a copy of the minutes of proceedings and notes of evidence and any observations the Court may think fit to make. The Supreme Consular Court shall forthwith transmit the same, with any observations the Court may think fit to make, to one of Her Majesty's Principal Secretaries of State.

#### VI.—DEPORTATION OF OFFENDERS.

61. (i.) Where it is shown on oath, to the satisfaction of a Consular Court, that there is reasonable ground to apprehend that any British subject in the Ottoman dominions is about to commit a breach of the public peace,—or that the acts or conduct of any such British subject are or is likely to produce or excite to a breach of the public peace,—the Court may cause him to be brought before it and require him to give security to the satisfaction of the Court, to keep the peace, or for his future good behaviour, as the case may require:

(ii.) Where any British subject is convicted of any crime or offence before a Consular Court, or before a Court in the sentence of which one of Her Majesty's Consular Officers concurs, the Consular Court for the District in which he happens to be may require him to give security to the satisfaction of the Court for his future good behaviour.

In either of these cases, if the person required to give security fails to do so, the Court may order that he be deported from the Ottoman dominions to such place as the Court may direct.

The Court shall not, however, without the consent of the person to be deported, direct the deportation of a native of Malta or of any of its dependencies to any place other than Malta,—or of a native of Gibraltar to any place other than Gibraltar,—or of a native of any part of Her Majesty's dominions other than Malta, its dependencies, or Gibraltar, to any place other than England.

A Provincial Consular Court shall forthwith report to the Supreme Consular Court any order of deportation made by it, and the grounds thereof. The Supreme Consular Court may reverse the order, or may confirm it with or without variation, and in case of confirmation, shall direct it to be carried into effect.

The person to be deported shall be detained in custody until a fit opportunity for his deportation occurs.

He shall, as soon as may be practicable, (and in the case of a person convicted, either after execution of the sentence or while it is in course of execution), be embarked in custody under the warrant of the Supreme Consular Court on board one of Her Majesty's vessels of war, or, if there is no such vessel available then on board any British or other fit vessel bound to the place of deportation.

The warrant of the Court shall be sufficient authority to the commander or master of such vessel of war, or other vessel, to receive and detain the person to be deported and carry him to and deliver him up at the place of deportation, according to the warrant.

The Supreme or other Consular Court may order the person to be deported to pay all or any part of the expenses of his deportation. Subject thereto, the expenses of deportation shall be defrayed as the expenses relating to distressed British subjects are defrayed, or in such other manner as one of Her Majesty's Principal Secretaries of State may from time to time direct.

The Supreme Consular Court shall forthwith report to one of Her Majesty's Principal Secretaries of State any order of deportation made or confirmed by it and the grounds thereof, and shall also inform Her Majesty's Ambassador, Minister, or Chargé d'Affaires at the Sublime Ottoman Porte of the same.

If any person deported returns to the Ottoman dominions without the permission of one of Her Majesty's Principal Secretaries of State (which permission the Secretary of State may give) he shall be liable on conviction thereof to punishment (in the discretion of the Court before which he is convicted) by imprisonment for not more than one month, with or without hard labour, and with or without a fine of not more than 10*l.* sterling or by a fine of not more than 20*l.* sterling alone, and also to be forthwith again deported in manner hereinbefore provided.

#### VII.—REGISTRATION OF RESIDENTS AND OTHERS.

62. Every British subject resident in the Ottoman dominions,—being of the age of 21 years or upwards,—or being married or a widower or widow, though under that age,—shall, in the year 1863 in the month of March, and in every subsequent year in the month of January, register himself or herself in a register to be kept at

the Consulate of the Consular District within which he or she resides.

Every such British subject not so resident arriving at any place within the Registration of Ottoman dominions where a non-residents. Consular Office is maintained, unless borne on the muster-roll of a British vessel there arriving, shall, within one month after his or her arrival, register himself or herself in a register to be kept at the Consular Office,—but so that no person shall be required to register himself or herself more than once in any year, reckoned from any 1st day of January.

Every such British subject shall, on every such registration of himself or herself, pay a fee of five shillings.

Any such British subject failing so to register himself or herself, and not excusing his or her failure to the

satisfaction of the Consular Officer, shall not be entitled to be recognized or protected as a British subject in the Ottoman dominions, and shall be liable to a fine of not more than forty shillings for each instance of such failure; in the case of a married woman (not living apart from her husband) such fine to be levied on her husband's property.

The Consular Officer shall issue to every British subject so registered a certificate of registration under his hand and Consular seal.

#### VIII.—DEATHS OF BRITISH SUBJECTS NON-RESIDENT.

63. Where a British subject, not having at the time of death his fixed place of abode in the Ottoman dominions, dies in those dominions, the Consular Court, within whose District he dies, shall, where the circumstances of the case appear to the Court so to require forthwith on the death of the deceased, or as soon after as may be, take possession of his personal property within the particular jurisdiction, or put it under the seal of the Court, (in either case, if the nature of the property or other circumstances so require, making an inventory), and so keep the property until it can be dealt with according to law.

#### IX.—OFFENCES AGAINST RELIGION.

64. If any British subject is guilty of publicly deriding, mocking, or insulting any religion established or observed within the Ottoman dominions,—or of publicly offering any insult to any religious service, feast, or ceremony established or kept in any part of those dominions, or to any place of worship, tomb, or sanctuary belonging to any such religion, or to the ministers or professors thereof,—or wilfully commits any act tending to bring any such religion, or its ceremonies, mode of worship, or observances into hatred, ridicule, or contempt, and thereby to provoke a breach of the public peace,—he shall be liable (in the discretion of the Court) to imprisonment for not more than two years, with or without hard labour, and with or without a fine of not more than 100*l.* sterling, or to a fine of not more than 100*l.* sterling alone.

Notwithstanding anything in this Order, every charge against a British subject of having committed any such offence shall be heard and determined in a summary way, and any provincial Consular Court shall have power to impose the punishment aforesaid.

Her Majesty's Consular Officers shall take such precautionary measures as may seem to them proper and expedient for the prevention of such offences.

#### X.—FOREIGNERS. FOREIGN TRIBUNALS.

65. Where a foreigner desires to institute or take any suit or proceeding of a Civil nature against a British subject, or a British subject against a foreigner, the Supreme or other Consular Court, according to its respective jurisdiction, shall entertain the same, and shall hear and determine it, either by the Judge or proper Consular Officer sitting alone, or, if all parties desire, or the Court thinks fit to direct, a trial with a jury, then by such Judge or Officer with a jury, but in all other respects according to the ordinary course of the Court.

Provided that the foreigner first obtains and files in the Court the consent in writing of the competent local authority on behalf of the Sublime Ottoman Porte or of the Consul of his own nation (as the case may be) to his submitting, and does submit, to the jurisdiction of the Court, and, if required, gives security to the satisfaction of the Court, by deposit or otherwise, to pay fees, damages, costs, and expenses, and abide by and perform such decision as may be given by the Supreme or other Consular Court originally or on appeal (as the case may require).

66. Where it is shown to a Consular Court that the attendance of a British subject to give evidence, before or for any other purpose connected with the administration of justice, is required in a Court or before a judicial Officer of the Sublime Ottoman Porte, or in a Court or before a judicial Officer in the Ottoman dominions of any State in amity with Her Majesty, the Consular Court may, in cases and under circumstances which would require the attendance of such British subject before one of Her Majesty's Consular Courts in the Ottoman dominions, and if it seems to the Consular Court just and expedient so to do, make an order for the attendance of such British subject in such Court or before such judicial Officer and for such purpose as aforesaid,—but so that a Provincial Consular Court shall not have power to make an order for such attendance of a British subject at any place beyond the particular jurisdiction of the Court.

Any British subject, duly served with such an order and with reasonable notice of the time and place at which his attendance is required, failing to attend accordingly and not excusing his failure to the satisfaction of the Court making the order, shall be liable to a fine of not more than 100*l.* sterling, or to imprisonment for not more than one month, in the discretion of the Court.

#### XI.—APPEAL TO SUPREME CONSULAR COURT.

##### 1.—In Civil Cases.

67. Where any decision of a Provincial Consular Court, sitting with or without Assessors, is given in a civil case in respect of a sum or matter at issue of the amount or value of 50*l.* sterling or upwards,—or determines, directly or indirectly, any claim or question respecting property or any civil right of the amount or value of 50*l.* sterling or upwards,—any party aggrieved by the decision may apply to the Provincial Consular Court for leave to appeal to the Supreme Consular Court, and shall be entitled to leave on the terms



prescribed by the Rules made under this Order and subject to such restrictions and exceptions as may be therein contained.

In any other case the Provincial Consular Court may, if it seems just and expedient, give leave to appeal on like terms.

In any case the Supreme Consular Court may give leave to appeal on such terms as may seem just.

## II.—In Criminal Cases.

68. Where any person is convicted otherwise than in a summary way of a crime or offence, the Court or Consular Officer before whom he is tried may reserve for the consideration of the Supreme Consular Court any question of law arising on the trial.

The Court or Officer shall then state a special case setting out the question reserved, with the facts and circumstances on which it arose, and shall send the case to the Supreme Consular Court.

69. Where any person is convicted in a summary way of a crime or offence, and is dissatisfied with the conviction as being erroneous in point of law, the Court or Consular Officer before whom he is tried shall, on his application, unless the application appears merely frivolous, in which case the Court or Officer may refuse the application, state a special case setting out the facts and the grounds of the conviction for the opinion of the Supreme Consular Court, and send it to that Court.

70. In any such case the Court or Consular Officer shall, as may seem fit, either postpone judgment on the conviction, or respite execution of the judgment, and either commit the person convicted to prison, or take proper security for him to appear and receive judgment or to render himself in execution\* (as the case may require) at an appointed time and place.

71. The Supreme Consular Court shall hear and finally determine the matter, and thereupon shall reverse, affirm, or amend any judgment given at the trial,—or set aside such judgment, and order an entry to be made in the minutes of proceedings that in the judgment of the Supreme Consular Court the person ought not to have been convicted,—or arrest the judgment,—or order judgment to be given at a subsequent sitting of the Court or Officer by whom the case is stated,—or make such other order as justice may require,—and shall also give all necessary and proper consequential directions.

72. The judgment of the Supreme Consular Court shall be delivered in open public. Court after the public hearing of any argument offered on behalf of the prosecution or of the person convicted.

73. Before delivering judgment, the Supreme Consular Court may, if necessary, cause the special case to be amended by the Court or Consular Officer by whom it was stated.

## XII.—APPEAL TO HER MAJESTY IN COUNCIL.

74. Where any decision of the Supreme Consular Court is given in a civil case in respect of a sum or matter at issue of the amount involving 500*l.* or or value of 500*l.* sterling or upwards,—or determines directly or indirectly any claim or question respecting property or any civil right of the amount or value of 500*l.* sterling or upwards,—any party aggrieved by the decision may, within fifteen days after the same is given, apply by motion to the Supreme Consular Court for leave to appeal to Her Majesty in Council.

If leave to appeal is applied for by a party adjudged to pay money or perform a duty, the Supreme Consular Court shall direct either that the decision appealed from be carried into execution, or that the execution thereof be suspended, pending the appeal, as the Court may consider to be consistent with real and substantial justice.

If the Court directs the decision to be carried into execution, the party in whose favour it is given shall, before the execution of it, give security to the satisfaction of the Court for the due performance of such order as Her Majesty in Council may think fit to make.

If the Court directs the execution of the decision to be suspended pending the appeal, the party against whom the decision is given shall, before any order for suspension of execution, give security to the satisfaction of the Court for the due performance of such order as Her Majesty in Council may think fit to make.

In all cases security shall also be given by the appellant to the satisfaction of the Court to an amount not exceeding 500*l.* sterling for the prosecution of the appeal, and for payment of all such costs as may be awarded to any respondent by Her Majesty in Council, or by the Lords of the Judicial Committee of Her Majesty's Privy Council.

If the last mentioned security is given within one month from the filing of the motion-paper for leave to appeal, then, and not otherwise, the Supreme Consular Court shall give leave to appeal, and the appellant shall be at liberty to prefer and prosecute his appeal to Her Majesty in Council according to the rules for the time being in force respecting appeals to Her Majesty in Council from Her Colonies, or such other rules as Her Majesty in Council may from time to time think fit to make concerning appeals from the Supreme Consular Court.

In any case other than the cases hereinbefore described, the Supreme Consular Court, if it considers it just or expedient to do so, may give leave to appeal on the terms and in the manner aforesaid.

This Order shall not affect the right of Her Majesty at any time, on the humble petition of a party aggrieved by a decision of the Supreme Consular Court, to admit his appeal thereon on such terms and in such manner as Her Majesty in Council may think fit, and to deal with the decision appealed from in such manner as may be just.

## XIII.—RULES.

75. The Judge of the Supreme Consular Court may, notwithstanding anything herein contained, at any time after the making of this Order, and from time to time,

frame Rules for the effectual execution of this Order, and for the observance of the Capitulations, Articles of Peace, and Treaties between Her Majesty and the Sublime Ottoman Porte, and for the maintenance of order among British subjects in the Ottoman dominions, and may thereby impose reasonable penalties; and also Rules for the regulation of procedure and pleading, forms of writs, and other proceedings, expenses of witnesses and prosecutions, costs and fees, in civil and criminal cases, in the Supreme Consular Court and other Consular Courts, and the regulation of appeals to the Supreme Consular Court from the other Consular Courts.

The Rules affecting the conduct of civil suits shall be so framed as to secure, as far as may be, that cases shall be decided on their merits according to substantial justice without excessive regard to technicalities of pleading or procedure and without unnecessary delay.

No Rules shall take effect unless and until approved by one of Her Majesty's Principal Secretaries of State.

A copy of the Rules for the time being in force shall be exhibited in some conspicuous place in each Consular Court and Consulate in the Ottoman dominions. Printed copies shall be provided and sold at such reasonable price as the Judge of the Supreme Consular Court shall from time to time direct.

No penalty shall be enforced in any Court for the breach of any Rule until the Rule has been so exhibited in the Court for one month.

For the purpose of convicting any person committing a breach of any Rule, and for all other purposes of law, a printed copy of the Rule, purporting to be certified under the hand of the Judge of the Supreme Consular Court and the seal of the Court or under the hand and Consular seal of one of Her Majesty's Consular Officers, shall be taken as conclusive evidence of the same, and no proof of the handwriting or seal purporting to certify the same shall be required.

#### XIV.—MISCELLANEOUS PROVISIONS.

76. In every case, civil or criminal, heard in a Consular Court, proper minutes of the proceedings shall be drawn up, and shall be signed by the Judge or Consular Officer before whom the proceedings are taken, and sealed with the seal of the Court, and shall, where Assessors are present, be open for their inspection and for their signature if concurred in by them.

The minutes, with depositions of witnesses and notes of evidence taken at the trial by the Judge or Consular Officer, shall be preserved in the public office of the Court.

77. In a civil case a Consular Court may order such costs, or costs, charges, and expenses, as to the Court seem reasonable, to be paid by any party to the proceeding, or out of any fund to which the proceeding relates.

78. A Consular Court, either of its own motion, or, in Civil cases, on the application of any party to any suit or proceeding or reference, may summon as a witness any British subject in the Ottoman dominions, but so that a Provincial Consular Court shall have power so to summon British subjects in its own District only.

Any British subject, duly served with such a summons and with reasonable notice of the time

and place at which his attendance is required, failing to attend accordingly and not excusing his failure to the satisfaction of the Court, shall, over and above any other liability to which he may be subject, be liable to a fine of not more than 100*l.* sterling, or to imprisonment for not more than one month, in the discretion of the Court.

79. In Civil cases a Consular Court may, where the circumstances appear to justify it, order that the expenses of a witness, on his appearing to give evidence, shall be defrayed by the parties or any of them.

80. Any person appearing before a Consular Court to give evidence in any case, civil or criminal, may be examined or give evidence on oath in such form or with such ceremony as he may declare to be binding on his conscience.

81. Any British subject wilfully giving false evidence in any suit or proceeding, civil or criminal, or on any reference, shall be liable to the penalties attaching to wilful and corrupt perjury.

82. All costs and all charges and expenses of witnesses, prosecutions, punishments, and deportations, and other charges and expenses, and all fees, fines, forfeitures, and pecuniary penalties payable

under this Order, may be levied by distress and seizure and sale of ships, goods, and lands; and no bill of sale, or mortgage, or transfer of property, made with a view to security in regard to crimes or offences committed, or to be committed, shall be of any avail to defeat the provisions of this Order.

83. All fees, fines, forfeitures, and pecuniary penalties levied under this Order shall be carried to the public account, and be applied in diminution of the public expenditure on account of Her Majesty's Consular service in the Ottoman dominions.

84. A copy of this Order shall be exhibited in each Consular Court and Consulate in the Ottoman dominions. Printed copies shall be provided and sold at such reasonable price as the Judge of the Supreme Consular Court shall direct.

85. Any suit or proceeding shall not be commenced in a Consular Court against any person for anything done or omitted under this Order, or any Rule made under it, unless notice in writing is given by the intending plaintiff or prosecutor to the intended defendant one month at least before the commencement of the suit or proceeding, nor unless it is commenced within three months next after the act or omission complained of, or in case of a continuation of damage within three months next after the doing of such damage has ceased.

The plaintiff in any such suit shall not succeed if tender of sufficient amends is made by the defendant before the commencement thereof; and if no tender is made the defendant may, by leave of the Court at any time, pay into Court such sum of money as he may think fit, whereupon such proceeding and order shall be had and made in and by the Court as may be had and made on the payment of money into Court in an ordinary suit.



## XV.—JOINT JURISDICTION.

86. In any case in the decision of which, under the Capitulations, Articles of Peace, and Treaties with the Sublime Ottoman Porte, any of Her Majesty's Consuls may or ought to concur, the Judge of the Supreme Consular Court or a Consular Officer exercising jurisdiction under this Order shall exclusively act on the part and on behalf of Her Majesty.

And the Right Honorable the Earl Russell and the Most Noble the Duke of Newcastle, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

EDMUND HARRISON.

H. M. DURAND, *Colonel,*  
*Secy. to the Govt. of India,*  
*with the Governor-General.*

No. 102.

POLITICAL.

*Camp Meerut, the 9th March 1863.*

*Notification.*—The Viceroy and Governor-General is pleased to appoint Dr. C. Williams, of the 68th Light Infantry, to be Agent to the Chief Commissioner of British Burmah at Mandalay.

H. M. DURAND, *Col.,*  
*Secy. to the Govt. of India,*  
*with the Governor-General.*

No. 39.

REVENUE.

*Camp Meerut, the 7th March 1863.*

*Notification.*—Mr. Edwin Little is appointed a Junior Sub-Assistant Revenue Surveyor on the Saugor and Nerbudda Division from the 5th November 1862.

No. 71.

GENERAL.

Lieutenant W. Tweedie, Adjutant, First Hyderabad Cavalry, is appointed to officiate as Second Assistant to the Resident at Hyderabad, during the absence on leave of Captain Fraser.

No. 45.

REVENUE.

*Camp Deorala, the 10th March 1863.*

*Notification.*—His Excellency the Governor General is pleased to make the following appointments in the Central Provinces :—

Lieutenant J. Dufat to officiate as Assistant Settlement Officer in the Hoshungabad District.

Mr. H. J. MacGeorge, Assistant Commissioner, to officiate as Settlement Officer in the Wurdah District.

Mr. J. Beddy to officiate as Assistant Commissioner in the Wurdah District during Mr. MacGeorge's employment on Settlement duty.

Captain H. F. Newmarch, Assistant Commissioner, to be temporarily in charge of the current duties of the Office of the Deputy Commissioner of Nursingpore, during the employment of the Deputy Commissioner on Settlement duty.

Captain C. V. Gordon, Assistant Commissioner, to be temporarily in charge of the current duties of the Office of the Deputy Commissioner of Dumoh, during the employment of the Deputy Commissioner on Settlement duty.

Captain J. J. Fulton, Assistant Commissioner, to be temporarily in charge of the current duties of the Office of the Deputy Commissioner of Seonee, during the employment of the Deputy Commissioner on Settlement duty.

Lieutenant W. S. Brooke, Corps of Guides, Punjab, to officiate as Assistant Commissioner in the Hoshungabad District.

Mr. T. Drysdale, of the Educational Department, to officiate as Assistant Commissioner in the Saugor District.

No. 108.

POLITICAL.

Lieutenant-Colonel Brooke, Political Agent, Jeypore, made over temporary charge of the Agency, on 24th ultimo, to Major-General G. St. P. Lawrence, C. B., Agent to the Governor General for the States of Rajpootana.

No. 80.

GENERAL.

*The 11th March 1863.*

*Erratum.*—In Notification No. 34, dated 25th February last, granting leave to Captain C. T. O. Mayne, for one month's *privilege* leave from the 13th November 1862, read one month's leave from the 13th November 1862, preparatory to proceeding to Europe on Sick Certificate.

C. U. ATCHISON,  
*Under-Secy. to the Govt. of India,*  
*with the Governor-General.*

No. 213.

POLITICAL.

*Fort William, the 14th March 1863.*

The Hon'ble the President in Council is pleased to recognize the appointment of Mr. Clarence E. A. D'Souza to be Acting Consul for Italy in Calcutta, subject to the confirmation of Her Majesty's Government.

No. 72.

MILITARY.

*The 17th March 1863.*

Havildar Majeea, of the Meywar Bheel Corps, is promoted to the Rank of Jemadar consequent on the death of Jemadar Umra.

No. 443.

GENERAL.

With reference to G. O. dated 15th January last, No. 92, the promotions of Major J. Reid, Major J. A. Steel, Captain J. S. Ross, Captain J. F. MacAndrew, Mr. W. C. Wood, Lieutenant J. N. A. Hewett, and Mr. T. Monckmason, are to have effect from the 1st January 1863, and the promotion of Mr. W. Knighton from the 31st idem.

No. 444.

Lieutenant J. W. Aylesbury, Collector of Customs and Master Attendant at Bassein, has obtained eighteen months' leave of absence to proceed to Europe on Medical Certificate.

No. 448.

Third Class Native Doctor Ameeroodeen Khan is appointed to the Jail Hospital at Promé in the room of Native Doctor Sheikh Joomun.

E. C. BAYLEY,

*Offg. Secy. to the Govt. of India.*

*LIST of Persons entitled to the "India Medal," whose Medals lie unclaimed in the Office of the Secretary to the Government of India, in the Foreign Department.*

## Names of Parties.

Abbott, A. E.	... Engine Driver.
Burrows, John	... Clerk.
Collins, J.	... Pupil, La Martinière.
Creed, E.	... Ditto, ditto.
Creed, G.	... Ditto, ditto.
Cameron.	... Merchant.
Dodd, G. N.	... Civil Surgeon.
Davey, Peter	... Clerk.
DeRavara, J.	... Steward, La Martinière.
Deverine, J.	... Late Superintendent, Constantin.
Dowling, Peter	... Out of employ.
Davis, J.	... Overseer.
Dawson, Captain	... Oudh Military Police.
French, Lieutenant C. J.	... Ditto ditto.
Leslie, John	... Clerk, Chief Commissioner's Office.
Marshall, A.	... Assistant Book-keeper.
Parly, J.	... Railway Inspector.
Rae, W.	... Merchant.
Soule, Henry	... Out of employ.
Sadlier, Lieutenant T. J.	... Oudh Military Police.
Smith, C.	... Railway Inspector.
Tucker, R. T.	... Civil Service.
Wilson, R.	... Merchant Tailor.

H. M. DURAND, Colonel,

*Secy. to the Govt. of India.*

## FINANCIAL DEPARTMENT.

No. 957.

*Fort William, the 17th March 1863.*

The following Despatch from the Right Hon'ble the Secretary of State for India is published for general information:—

INDIA OFFICE;

*London, 9th February 1863.*

FINANCIAL.

No. 21.

HIS EXCELLENCY THE RIGHT HON'BLE THE GOVERNOR-GENERAL OF INDIA IN COUNCIL,

MY LORD,—I HAVE to acquaint you that the rate of Exchange for Bills to be drawn in re-payment of advances to be made by the several Governments in India for the service of the Royal Navy, and for the Public Service in China, in the Official Year 1863-64, has been fixed with the concurrence of the Lords Commissioners of the Treasury at 2s. the Rupee.

2. You will direct the same rate to be observed in 1863-64 in respect of Officers Family Remittances and Effects.

I have, &amp;c.,

(Sd.) C. WOOD.

By Order of the Hon'ble the President in Council,

E. H. LUSHINGTON,

*Secy. to the Govt. of India.*

## MILITARY DEPARTMENT.

GENERAL ORDER BY HIS EXCELLENCY THE GOVERNOR GENERAL OF INDIA.

*Camp Daurala, the 10th March 1863.*

No. 12A. of 1863.—The following Order issued by the Resident at Hyderabad is confirmed:—

No. 26, dated 17th February 1863.—“Subject to the confirmation of the Government of India, Lieutenant A. A. Johnson, Second in Command, 3rd Cavalry, Hyderabad Contingent, is appointed to act as Second in Command of the 4th Cavalry, Hyderabad Contingent, as a temporary measure, during the absence of Major Dowker, Officiating Commandant, 3rd Cavalry, Hyderabad Contingent.”

H. W. NORMAN, Lieut.-Col.,

*Secretary to the Govt. of India,**with the Governor-General.*

## MILITARY DEPARTMENT.

*Fort William, the 16th March 1863.*

No. 208 of 1863.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on Sick Certificate:—

Captain William Winson, of } For twenty  
the Bengal Staff Corps, Com- } months.  
mandant, 18th (the Alipore) }  
Regiment Native Infantry }

No. 209 of 1863.—The undermentioned Warrant Officer is permitted to proceed to Europe on leave of absence on Sick Certificate:—

Sub-Conductor John Martin, } For twenty  
of the Army Commissariat } months, under the  
Department } new Regulations.

No. 210 of 1863.—The undermentioned Non-Commissioned Officer of Her Majesty's Service is permitted to reside and draw his pay in India as an Out-Pensioner of Chelsea Hospital, according to the 23rd Clause of the Royal Warrant of the 24th May 1847, pending a reference to the Home Authorities as to the amount of his pension:—

Quarter-Master Serjeant } Royal Artil-  
Charles Price } lery.

*Fort William, the 17th March 1863.*

No. 211 of 1863.—The undermentioned Officers are permitted to proceed to Europe on leave of absence on Sick Certificate:—

Major George Bruce Malleson, } For twenty  
of the Bengal Staff Corps, } months.  
Secretary, Military Finance }  
Department }

Lieutenant Edward Kitson, of } For twenty  
the late 64th Regiment } months, under  
Native Infantry, doing duty } the new Regula-  
with the 15th (the Loodia- } tions.  
nah) Regiment Native In- }  
fantry }

Lieutenant Augustus Fennell } For twenty  
Danvers, of the Bombay } months.  
Staff Corps, District Super- }  
intendent of Police, Oude }



No. 212 of 1863.—The following Extracts from the *London Gazette* of the 23rd, 27th, and 30th January 1863 are published for general information:—

WAR OFFICE, PALL MALL,  
The 23rd January 1863.

102nd Foot.—Lieutenant John Duncan to be Adjutant, dated 23rd January 1863.

105th Foot.—Lieutenant Charles Frederick Bond to be Adjutant, dated 23rd January 1863.

WAR OFFICE, PALL MALL,  
The 27th January 1863.

In continuation of the Notification which appeared in *Gazette* of 9th January 1863.

BREVET.

The promotion of Lieutenant-Colonel James Metcalfe, C. B., Bengal Infantry, to the honorary rank of Colonel, and of Major Frederick Johnston, Bengal Infantry, to that of Lieutenant-Colonel, which appeared in the *Gazette* of 25th March 1862, has been cancelled in consequence of these Officers having been inadvertently included in the List of those Officers retired on full pay of Her Majesty's Indian Forces as entitled to honorary rank on retirement.

India Office, 27th January 1863.

Her Majesty has been pleased to approve of the undermentioned admission to the Bengal Staff Corps and promotions in the Bengal Army:—

BENGAL STAFF CORPS.

To be Lieutenant.

Lieutenant Henry Constantine Evelyn Ward, of the late 5th European Regiment, dated 23rd November 1856.

BENGAL.

Medical Officers.

Assistant Surgeon Cavendish Johnson to be Surgeon, *vice* Allan, retired, dated 6th September 1862.

Assistant Surgeon Francis Pearson to be Surgeon, *vice* Beale, retired, dated 18th September 1862.

No. 213 of 1863.—The undermentioned Officers have reported their return from England:—

Date of Arrival at  
Fort William.

Captain J. P. A. Theobald, of the late 3rd European Light Cavalry.	12th March 1863.
Captain H. A. Prinsep, of Her Majesty's 107th Regiment	
Lieutenant G. L. K. Hewett, of the Bengal Staff Corps, Adjutant, 2nd Bengal Cavalry	
Lieutenant A. B. Hepburn, of the 3rd Regiment Native Infantry.	
Assistant Surgeon G. B. Hadow, of the Medical Department	

H. K. BURNE, Major,

Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

GENERAL.—ESTABLISHMENTS.

No. 48.

Fort William, the 16th March 1863.

Transfers.—Lieutenant C. E. Delafosse, Probationary Assistant Engineer, is transferred from the Nagpoor Eastern Road Division to the 2nd Division, Great Deccan Road, with retrospective effect from the 1st November 1862.

Mr. J. O. MacDonald, Assistant Engineer, First Class, is transferred from the 2nd Division, Great Deccan Road, to the Nagpoor Eastern Road Division, with retrospective effect from the 1st October 1862.

No. 49.

The 17th March 1863.

Appointment.—Colonel E. L. Ommanney, Royal Notification No. 28, dated 4th February 1863. Engineers, " 44, " 27th " " returned from leave to Europe on Medical Certificate, is hereby appointed, with reference to Notifications as per margin, to officiate, until further orders, as Chief Engineer and Secretary to the Government of Bengal in lieu of taking up his own duties as Superintending Engineer, Presidency Circle.

J. P. BEADLE, Lieut.-Col., R. E.,

Offg. Secy. to the Govt. of India,  
in the Public Works Dept.

MARINE DEPARTMENT.

No. 4870.

The 3rd September 1862.

List of Persons entitled to Medals as noted below, whose Medals lie unclaimed in the Office of the Controller of Marine Affairs:—

1st China War.

Abree, Domingo	... Steamer "Nemesis."
Augustin, John	... " "Enterprize."
Cesar, Augustine	... " "Tenasserim."
Coco, F.	... " "Nemesis."
Colquhoun, J.	... " "Queen."
Conletts, Victor	... " "Nemesis."
DeCruz, D.	... " "Enterprize."
Domingoes, M.	... " "Nemesis."
Domingo	... " "Queen."
Fairclough, H.	... Gunner, Steamer "Madagascar."
Francis, J.	... Steamer "Nemesis."
Gomes, A.	... " "Queen."
Gomes, A.	... " "Madagascar."
Gomes, R.	... " "Queen."
Gomes, A.	... " "Hooghly."
Green, T.	... 2nd Class Engineer, Steamer "Phlegethon."
Harley, H. L.	... 1st Engineer, Steamer "Nemesis."
Higgs, T.	... Engineer Apprentice, Steamer "Enterprize."
Hume, W.	... 2nd Officer, Steamer "Tenasserim."
Jesus, M.	... Steamer "Enterprize."
Lawrence, A.	... Petty Officer, Steamer "Madagascar."
Massiah, J.	... Steamer "Enterprize."
Mignol, F.	... " "Nemesis."
Notton, G.	... 1st Engineer, Steamer "Tenasserim."
Pynn, P.	... Steamer "Madagascar."
Rosario, de P.	... " "Queen."
Sheriff, E.	... " "Madagascar."
Smith, J.	... " "Queen."
Symonds, R.	... " "Proserpine."
Thompson, J.	... 1st Engineer, Steamer "Plato."
Wall, A. P.	... 1st Lieutenant, Steamer "Queen."

*Burmah Medals with Clasps for Pegu.*

Barton, C.	... Engineer Apprentice, Steamer "Fire Queen."
Bendle, G. H.	... Apothecary, Steamer "Mahanuddy."
Bolt, C.	... Clerk in charge, Steamer "Pluto."
Bowen, C.	... 1st Engineer, Steamer "Mahanuddy."
Conway, M.	... Engineer Apprentice, Steamer "Damoedah."
Davidson, G.	... 1st Engineer, Steamer "Mahanuddy."
Denton, H. W.	... 3rd Officer, Surveying Vessel "Krishna."
Eckley, E.	...
Evans, G. W.	... 2nd Officer of the Steamer "Damoedah."
Godfrey, W.	... Purser's Steward, Steamer "Nerbuddah."
Godwin, M. F.	... Clerk, Steamer "Indus."
Halyburton, J.	... A. B., Steamer "Pluto."
Hodge, T.	... 2nd Officer, Steamer "Pluto."
Hood, J. H.	... 2nd Officer of the Steamer "Lord William Bentinck."
Jackson, R.	... Boatswain, "Phlegethon."
Kennedy, J.	... Boatswain, Steamer "Fire Queen."
Lawson, W. S.	... Surgeon, Steamer "Proserpine."
Lodge, W.	... A. B., "Tenasserim."
Lowrey, W.	... A. B., "Tenasserim."
Mackay, J.	... Engineer Apprentice, Steamer "Hugh Lindsay."
Mann, G.	... A. B., Steamer "Tenasserim."
Middleton, J.	... 3rd Engineer, Steamer "Proserpine."
Miller, J. M.	... Surgeon, "Fire Queen."
Pope, J.	... Gunner, Steamer "Pluto."
Ramsbotham, W.	... Engineer Apprentice, Steamer "Pluto."
Reau, J. R.	... 2nd Officer, Steamer "Enterprise."
Reau, J. T.	... Midshipman, Steamer "Enterprise."
Tanupli, M.	... Commander, Steamer "Phlegethon."
Thompson, R. S.	... Surgeon, Steamer "Pluto."
Tonze, W. B.	... 3rd Officer, Steamer "Enterprise."
Twisden, F.	... Midshipman, Steamer "Pluto."
Woodley, J.	... Midshipman, Steamer "Tenasserim."

*India Medals.*

Brown, William	... Ganges Flotilla.
Sanderson, R.	... Civil Service.

*Lucknow Medals.*

Brien, J. J.	...
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JOHN G. REDDIE,

*Offg. Controller of Marine Affairs.*

## ORDERS by the LIEUTENANT-GOVERNOR of BENGAL.

No. 2016.

APPOINTMENTS.—*The 13th March 1863.*—Mr. J. C. Geddes, in charge of the Sub-Division of Aurungabad, is transferred to the Sudder Station of Moorshedabad.

Mr. R. Grant, Deputy Magistrate and Deputy Collector, to the charge of the Sub-Division of Aurungabad, and to exercise the powers under Section I, Act X. of 1854, in addition to those he already exercises in Moorshedabad. Mr. Grant is also empowered, under Section XXXVIII. of the Code of Criminal Procedure, Act XXV. of 1861, to hold the preliminary enquiry into cases triable by the Court of Sessions, to commit or hold to bail persons to take their trial before such Court of Sessions, and to exercise all the powers necessary for such purpose.

NOTIFICATIONS.—*The 14th March 1863.*—Mr. W. Wavel, of the Civil Service, reported his return to the Presidency on the 11th instant on the Steam Ship *Nubia*.

*The 16th March 1863.*—The services of Dr. S. C. Amesbury, Civil Assistant Surgeon of Dinagapore, are placed at the disposal of the Government of India, in the Military Department, at his own request.

The following list of a portion of the lands reserved from sale under Rule XXI. of the Rules for the sale of unassessed waste lands, issued by Notification of the Government of Bengal, dated 30th August 1862, is published for general information:—

*Register of Waste Lands in the Soonderbuns, the property of Government, not available for Grants under the Resolution of the Governor General in Council, dated 17th October 1861, and Rules issued by the Board dated the 14th October 1862.*

1	2	3	4	5	6
Number of Plot.	Pergunnah, Thannah, or other Sub-Division.	Mouzah.	Boundaries of the Plot.	Area in Acres.	Reason of Reservation.
				A. R. P.	
In Lot 50	In the Sub-Division of Baroe-pore, Thannah Amjharah, Pergunnah Medun Mullo, Zillah 24. Pergunnahs, Soonderbuns.	...	North.—By Mallee Khall. East.—By Mutlah River. South.—By an imaginary line. West.—By ditto ditto.	644 3 34	The lands being adjacent to the new Town of Mutlah.
Lot No. 54	Ditto ditto...	...	North.—By Biddeadhuree Nuddoe. East.—By Mutlah River. South.—By Mallee Khall and a portion of Taldee Khall. West.—By Taldee Khall.	5,950 1 26	For the proposed Town of Mutlah.



*Register of Waste Lands in Darjeeling, the property of Government, not available for Grants under the Resolution of the Governor General in Council, dated the 17th October 1861, and the Rules issued by the Board, dated 14th October 1862.*

1	2	3	4	5	6
Number of Plots.	Pergunnah, Thannah, or other Sub-Division.	Mouzah.	Boundaries of the Plot.	Area in Acres.	Reason of Reservation.
1	Darjeeling, Suider Thannah	Jullapahar	North, General Garstin's land; South, the Saddle; East and West, the Public Road.	Not measured	For Military purposes.
2	Ditto	Ditto	Siachal	Ditto	Ditto.
3	Ditto	Ditto	Lebong	Ditto	Ditto.
4	Ditto	Ditto	Dhobijhora	Ditto	Ditto.
5	Ditto	Ditto	Kursiong	Ditto	Ditto.
6	Ditto	Ditto	A belt of 200 yards wide above the new Cart Road from Kursiong to the Saddle.	.....	For building sites.
7	Ditto	Ditto	Below the road at Kursiong	.....	Bazar, Police Chowkey, and Post Office.
8	Pattarchata, Thannah Matigurha	Besserhatti	.....	Ditto	For Encamping Ground and Bazar.
9	Darjeeling, Sudder Thannah	Darjeeling Station	Surveyed as per Map	20 2/3 2 16/100	Sapper Lines.
10	Ditto	Below ditto	.....	Not surveyed	Native Burial Ground.
11	Ditto	Rumicet	.....	Ditto	Police Chowkey.
12	Ditto	Tucklan	The Mineral Spring location	Ditto	Military purposes.
13	Ditto	Salinapore	The ridge at Salinapore on the new Cart Road between Kursiong and the Saddle.	Ditto	For building sites.
14	Ditto	Ditto	A belt of 200 yards wide on the upper side of the proposed road along the Nagri side of the Bisham from an elevation of 3000 feet to the Saddle.	Ditto	Ditto.
15	Ditto	Ditto	The Goong range above the line of cultivation.	Ditto	Building sites, building materials, and firewood.
16	Ditto	Ditto	The ridge of the Nagri Spur near the Police Chowkey	Not measured	Military purposes.
17	.....	The whole Terai is for the present reserved from the operation of the fee simple rules	.....	.....	.....
18	Ditto	Ditto	The right bank of the Teesta, on the East from the junction of the Runghoo River with the Teesta and along the Runghoo River to the summit of Siachal on the North. On the West by a line drawn from the summit of Siachal to a mile to the westward of which is through the top of Mount Sitang to Goramara and the Plains. On the South by the commencement of the Terai.	Ditto	For Government Cinchona Plantation.
19	Ditto	Ditto	West of the Darjeeling Station North, the Hospital Ravine; South, the Water-fall Ravine; East, the Victoria Road, the Jail compound and Mr. Stoddart's land; West, the junction of the Hospital and Water-fall Ravines.	150 acres, more or less, not surveyed yet.	The extension of the Jail compound.

A. EDEN,  
Secy. to the Govt. of Bengal.

#### Public Works Department.—Bengal.

##### GENERAL.—ESTABLISHMENTS.

No. 51.

The 16th March 1863.

*Posting.*—Baboo Dinonath Sen, Assistant Engineer of the Second Class, at present temporarily attached to the Presidency Division, is permanently posted to that Division.

No. 52.

*Resignation.*—Abbas Ally, Sub Overseer of the First Class, Third Grade, attached to the Ganges and Darjeeling Road Division, is permitted

to resign his appointment in the Lower Subordinate Establishment of the Public Works Department in Bengal, with effect from the 23rd September 1862.

No. 53.

The 17th March 1863.

*Notification.*—Colonel E. L. Onmanney, R. E., Superintending Engineer of the First Class, having returned from sick leave, resumed charge of the Presidency Circle before noon of the 13th current.

F. R. DOYCE,

Asst. Secy. to the Govt. of Bengal,

in the Public Works Dept.

## Opium Notification.

NOTICE is hereby given, that the Fourth sale of Opium, the provision of 1861-62, will be held at the Exchange Hall on Monday, the 6th of April 1863, at 11 A. M., and will comprise 3,300 Chests, viz.,—

Behar Opium	...	1,860
Benares Opium	...	1,440

Total Chests	...	3,300
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2. The general Conditions of the sale now advertised will be the same as usual. They may be ascertained by reference to the Notification issued on the 8th November 1862 and published in the *Government and Exchange Gazette*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 11th and 21st April 1863 respectively, that is to say, no Bank of Bengal Receipts, Company's Paper, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by Purchasers in the Sale Room, will be received after 4 P. M. of Saturday, the 11th April 1863, and no Bank of Bengal Receipts in full payment of Lots will be accepted after 4 P. M. of Tuesday, the 21st April 1863.

4. In addition to the quantity above advertised for sale, the following quantities, more or less, of Behar and Benares Opium of 1861-62 will be brought to sale, in the present year, on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates should circumstances render it expedient to do so:—

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Wednesday, 6th May 1863	1,860	1,440	3,300
Ditto Monday, 8th June "	1,860	1,440	3,300
Ditto Thursday, 9th July "	1,860	1,440	3,300
Ditto Monday, 10th Aug. "	1,860	1,440	3,300
Ditto Monday, 7th Sept. "	1,860	1,440	3,300
Ditto Monday, 5th Oct. "	1,860	1,440	3,300
Ditto Monday, 9th Nov. "	1,860	1,440	3,300
Ditto Monday, 7th Dec. "	1,860	1,440	3,300
Total	14,873	11,644	26,517

By Order of the Board of Revenue,

J. P. GRANT,

Offg. Junior Secretary.

The 3rd March 1863.

## NOTICE.

THE TRADE RETURNS of the Port of Calcutta, for the MONTHS ended 31st AUGUST and 30th SEPTEMBER 1862, may be had at Rupees 4 per copy, on application at the *Calcutta Gazette* Office.

The 17th February 1863.

## Notice.

SEALED Tenders will be received by the Secretary to the Chief Commissioner up to the 3rd April 1863, and opened by him at his Office on that day in the presence of all parties who may choose to attend, or their Agents, for the supply, by contract, of printed and lithographed English and Vernacular Forms for the year 1863-64.

The Tenders must be accompanied by specimens of paper and printing, and be superscribed with the words "Tenders for Printing," but must not have the name of the Tenderer written on the envelope.

It will not be obligatory on the Secretary to accept the lowest Tender unless he is satisfied with the specimen of materials and workmanship and the ability of Tenderer to fulfil his engagement. The Forms must be delivered at Lucknow free of all charges on and after the 1st May next, but they will be rejected if not equal to the specimen. In case of failure to furnish them when required they will be obtained elsewhere.

No payment in advance will be made.

The Forms are in English and Vernacular, the former are on

Foolscap paper of 1 sheet.

$\frac{1}{2}$  "

$\frac{1}{4}$  "

$\frac{1}{8}$  "

and the latter on

Serampore of the above sizes, and 1 sheet Bengal paper.

Intending Tenderers may get a list of the Form and full particulars from the Secretary's Office.

J. REID,

Secy. to the Chief Commr., Oudh.

LUCKNOW,  
The 24th February 1863.

## Loans on Debenture.

Subscribers to the Debenture Loan of the Municipal Commissioners who are desirous of making payments in anticipation of the due dates of the several Instalments are informed that such payments will from this date be received by the Bank of Bengal, and that Interest will be allowed on all sums so paid at the rate of five and a half (5½) per cent. per annum from date of payment.

By Order of the Board,

R. TURNBULL,

Secy. to the Municipal Commissioners.

MUNICIPAL COMMRS'S OFFICE,  
1, Chamberingbee Road,  
The 14th March 1863.



## COMMISSARIAT DEPARTMENT.

No. 378.

The following Contracts have been concluded in the Commissariat Department for the period specified :—

## PRESIDENCY DIVISION.

Rs. As. P.

## Presidency.

Sugar ... 0 2 6 per lb. Hurdial Mararee, { From 1st April 1863 to 31st January 1864.

## UMBALLAH DIVISION.

## Umballah.

lbs. oz. d.

Rice at Station ... 30 0 0 per Re. } Jhubbun ...  
 „ on Command ... 21 0 0 „ }  
 Sugar at Station ... 7 0 0 „ } Mohur Sing ...  
 „ on Command ... 5 8 0 „ }  
 Khus Tatties ... 7 0 0p.100sq.ft Maddar Bux ...

## BENARES DIVISION.

lbs. oz. d.

Rice at Benares ... 29 0 0 per Re. ... Ramdoss  
 „ Azimgurh and Chunar ... 28 8 0 „ }  
 „ on Command ... 24 4 0 „ }  
 Sugar. ... } Shaick Moolabux...  
 At Benares, Chunar, and Azimgurh ... 8 12 0 „  
 On Command ... 5 8 0 „

## Benares.

Rs. A. P.

Khus Tatties ... 0 1 5 per foot. Gunnessh Persaud Sing { From 1st February 1863 to 31st January 1864.

## JULLUNDER DIVISION.

## Jullunder and Phillour.

Khus Tatties ... 0 0 11 per foot. }  
 Dolchies, Leather ... 0 1 0 per each }  
 Bysakies ... 0 0 10 „ } Ramjus and Sunkur  
 Naunds, Earthen ... 0 2 0 „ } Misser ...  
 Chicks according to pattern ... 0 0 11 per foot. }  
 Jhamps ... 0 0 11 „ }

## KUSSWILLIE DIVISION.

Sugar at Dugshaie ... 0 2 2 per lb. { Chundoo L o 11,  
 „ on Command by land or water ... 0 3 0 „ } Moolraj and Bhara Mull ...

## Kusswille Subalho, and Dugshaie.

## Bedding.

Blankets ... 1 14 0 per each. { Moolraj and Bhara  
 Sutrincees ... 1 4 0 „ } Mull ... { From 1st May 1863 to 30th April 1864.

## LUCKNOW DIVISION.

## Lucknow.

Khus Tatties, new ... 9 8 0p.100sq.ft }  
 „ old Bamboos ... 7 12 0 „ }  
 Dolchies, Leather ... 14 1 0 per 100. } Kurbepersaud ... { In hot season of 1863.  
 Naunds ... 0 4 6 per each. }  
 Bysakies ... 6 0 0 per 100. }

## ALLAHABAD DIVISION.

*Tents for Governor General's Camp.* Rs. As. P.

Tents, Sleeping	... 1050	0	0	per each.	Prem Massih and Co., Manager, Futtehgurh Or- phan Asylum ...	{ The whole to be supplied on 25th November 1862.
" Field Officer's	... 740	0	0	"		
" Captain Marquees	... 500	0	0	"		
" Servants or Baggage	... 95	0	0	"		
" Kitchen	... 250	0	0	"		
" Flies	... 190	0	0	"		
" Stable	... 160	0	0	"		
" Swiss Cottage, chintz lined	... 380	0	0	"		
" Sleeping Paul	... 85	0	0	"		
" Shouldares	... 60	0	0	"		

MDS. S. C.

Gram, 1st sort, picked and cleaned for					{ Muttoo Mall and Sewburth Loll...	{ From 1st Novem- ber 1862 to 30th June 1863.
Horses	... 0	21	0	per Re.		
Gram, 1st sort, unpicked, for Bul- locks	... 0	21	10	"		

*Barrack Furniture.*

RS. AS. P.

Almirahs	... 90	0	0	per each.	{ Sew Churn Loll ...	{ From 15th Novem- ber 1862 to 30th April 1863.
Chairs	... 4	0	0	"		
Tables, small (Serjeant's)	... 12	8	0	"		
Boards, Regulation	... 0	8	0	"		
Locks and Keys	... 0	14	0	"		
Shelves, Book	... 125	0	0	"		
Stand, Water Jar	... 1	14	0	"		

*Troys for Charcoal.*

Iron-wire Troys for Charcoal	... 2	10	0	per each.	{ Madaree Loll and and Mool Chund.	{ From 11th Novem- ber 1862 to 30th April 1863.
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*Victualling.*

Sugar at Station	... 0	2	1	per lb.	{
Rice " "	... 4	6	0	p.100lbs.	

*Barrack Department.*

Khus Tatties	... 0	1	9	per foot.	{ Munnoololl	{ From 1st February 1863 to 31st January 1864.
Naunds	... 0	4	0	per each.		
Dolchies	... 0	1	9	"		
Props, Bamboo, for Tatties	... 0	1	0	"		
Motes, complete, or Leather Bags,						
with Iron-frame	... 2	12	0	"		
Ropes for Ditto	... 5	0	0	"		

## JULLUNDER DIVISION.

*Jullunder.*

lbs. oz. d.

Rice at Station	... 28	4	0	per Re.	{ Chuijoo Ram, Kalka Doss and Sohun Loll	{ From 18th Febr- ary 1863 to 31st January 1864.
" on Command	... 18	9	0	"		

*Philour.*

Rice at Station	... 28	0	0	"	Kalka Doss	{ From 1st February 1863 to 31st Ja- nuary 1864.
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J. C. Scott,

Offg. Commissary General.



*Court for the Relief of Insolvent Debtors at Calcutta.*

In the matter of Prince Mahomed Fuckerooddeen, an Insolvent. } On Saturday, the 7th day of March instant, an account of the receipts and disbursements of the Official Assignee, from the 21st day of May 1862 to the 2nd day of March 1863, was filed in the Office of the Chief Clerk, and it was ordered that Saturday, the 18th day of April next, be appointed for the further hearing of this matter for the purpose of making a dividend.

“Any Creditor or other person interested, who may intend to establish or oppose any claim upon the Estate of the said Insolvent, may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing.”

J. Cochrane, Official Assignee.

In the matter of John Aram Michael, an Insolvent. } On Saturday, the 7th day of March instant, it was ordered that the Assignee do pay and divide the sum of Company's Rupees 4,712 to and amongst all the creditors upon the Estate of the said Insolvent as a dividend at the rate of Company's Rupees 50 per cent. upon such of the debts admitted in the Schedule of the said Insolvent and claims proved as have been duly substantiated in proportion to their several debts and upon the other debts admitted in the Schedule when and so soon as such debts or any of them shall be duly substantiated upon Affidavit filed in this Court, with liberty to the said Assignee to apply to the Court from time to time for directions respecting any debts or any other matter or thing relating thereto.

John Cochrane, Official Assignee.

In the matter of Louis Albert DeCroyer, an Insolvent. } On Saturday, the 7th day of March instant, it was ordered that Saturday, the 18th day of April next, be appointed for the further hearing of this matter, and that, unless cause be shewn to the contrary in that day, the said Insolvent be discharged personally as well as to his after acquired property from all liability for debts, claims, and demands of and against the said Insolvent at the time of the filing of his petition for relief.

Beeby and Rutter, Attorneys.

In the matter of John Hutcheson Ferguson, and another, Insolvents. } On Saturday, the 7th day of March instant, it was ordered that the Assignee do pay and divide the sum of Company's Rupees 16,500 to and amongst all the creditors upon the Estate of the said Insolvents as a dividend at the rate of Company's Rupees 1-8 per cent. upon such of the debts admitted in the Schedule of the said Insolvents and claims proved as have been duly substantiated in proportion to their several debts and upon the other debts admitted in the Schedule when and so soon as such debts or any of them shall be duly substantiated upon Affidavit filed in this Court, with liberty to the said Assignee to apply to the Court from time to time for directions respecting any debts or any other matter or thing relating thereto.

J. Cochrane, Official Assignee.

In the matter of John Brightman Vandenberg, an Insolvent. } On Saturday, the 7th day of March instant, an account of the receipts and disbursements of the Official Assignee, from the 22nd day of February 1849 to the 2nd day of March 1863, was filed in the Office of the Chief Clerk, and it was ordered that Saturday, the 18th day of April next, be appointed for the further hearing of this matter for the purpose of making a dividend.

“Any Creditor or other person interested, who may intend to establish or oppose any claim upon the Estate of the said Insolvent, may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing.”

J. Cochrane, Official Assignee.

In the matter of Henry Augustus Deefholts, an Insolvent. } On Saturday, the 7th day of March instant, by an order of this Court, the said Insolvent was adjudged entitled to his personal discharge under the Act XI. Vic. Cap. XXI., as to all persons named in his Schedule as creditor or claiming to be creditors respectively.

Insolvent in Person.

Chief Clerk's Office, the 17th March 1863.

**The Bengal Coal Company “Limited.”**

REGISTERED UNDER ACT XIX. OF 1857.

NOTICE is hereby given that an extraordinary General Meeting of the Shareholders of the Bengal Coal Company “Limited” will be held at the Registered Office of the Company, No. 6, Church Lane, Calcutta, on Saturday, the 13th day of June now next ensuing, at the hour of 1 o'clock P. M., for the purpose of taking into consideration the advisability of altering Clause 38 of the Articles of Association of the Company, by adding after the words “real or personal” in the twelfth line of the said 38th Clause the words “other than Coals the produce of the Company's Mines;” and also by adding the following words at the end of the said 38th Clause, namely, “but nothing herein contained shall be construed to limit the powers of the Directors to sell Coals, the produce of the Company's Mines, to any extent which they shall think expedient and proper,” and if such alterations be deemed advisable to pass resolutions enabling the same to be effected.

By Order of the Directors,

GORDON, STUART AND CO.,

The 11th March 1863.

Secretaries.

**Bengal Salt Company “Limited.”**

NOTICE is hereby given, that a Meeting of the Shareholders of the above Company will be held at the Office of the Company on Saturday, the 28th instant, at 5 P. M. precisely, to consider the Report of the Committee of Inquiry, and to transact such other business as may be laid before them.

By Order of the Directors,

J. G. HUGHES,

Secretary.

6, COMMERCIAL BUILDINGS, }  
Calcutta, 17th March 1863. }

**People's Bank of India “Limited.”**

3, HARE STREET, CALCUTTA.

ALL information respecting Rules and Terms of business will be forwarded on application to

R. E. K. WILKINSON,

Manager.

**Notice.**

LEASE in the name of DOORGAMONEY DASSEE for a moiety of Share purchased by her from HULLOHUR and BISHUMBHUR BYSACKS at Old China Bazar Street has been lost or stolen on the 10th instant. Any one bringing it will be rewarded by the undersigned.

RUSSICK LALL SETT,  
No. 19, Rutton Sircar's Garden Street,  
CALCUTTA,  
The 17th March 1863. }

**Notice.**

THE Partnership heretofore existing between HERSCHELL DEAR and ALEXANDER CHRISTIAN as Railway Contractors and Timber Merchants having been dissolved by mutual consent on the 30th day of June last, the undersigned is prepared to execute orders for Timber of every description by contract.

ALEXANDER CHRISTIAN,  
MONGHYR,  
The 27th October 1862. }

**H. Dear & Co.,****TIMBER MERCHANTS.**

THE above Firm is prepared to undertake the supply of Sleepers or Timber to Railway Companies or other parties.

For the last 11 years the Firm has successfully carried out very heavy engagements with the East Indian Railway Company, as also with the Government of India, and has still extensive Contracts with both for Timber and Sleepers.

H. DEAR & CO.  
MONGHYR,  
The 27th January 1863. }

**North-West Indigo Association Limited.**

THE First Ordinary Yearly General Meeting of the Association will be held at the Registered Office of the Association, No. 2, Mission Row, on Monday, the 30th instant, at 12 o'clock, when the Report of the Directors and the Accounts for the past year will be submitted, and also a proposition that an additional clause authorizing the purchase of Indigo in the North-West be inserted in the Deed.

S. G. BALMER,  
Secretary.

**For Sale,**

THE Mehals of Pergunnah Rockunpore to the west of the Bhaugirruttee, situated in Zillah Moorshedabad. For particulars apply to James Cockburn, Esquire, Rampore Beaulah, or to Jardine, Skinner and Co., Calcutta.

JARDINE, SKINNER AND CO.,  
Managing Agents of B. Watson and Co.

**Lost.**

FIRST or Left-hand half of Bank of Bengal Note, No. 26826, for Rupees 100.

**Notice.**

LOST.—Left-hand halves of the undermentioned Government of India Currency Notes, payment of which has been stopped at the Bank of Bengal:—

35990, dated Calcutta 8th July 1861, Rs.	10
45138, ditto ditto	10
50214, ditto ditto	10
55337, ditto ditto	10

Oriental Bank Corporation.

**Lost or Stolen.**

A NEW Government Currency Note, No. 07567, for Rupees 50. Payment has been stopped at the Bank.

**NOTICES issued by the POST-MASTER of CALCUTTA.**

No. 225.

The 10th March 1863.—Mail Packets for the Overland Mail which leaves Bombay on the 28th March 1863 will be closed at this Office at 5 P. M. on Thursday, the 19th idem, *via* Marseilles only.

Letters and Papers for transmission *via* Bombay will be received up to 6 P. M. on every day prior to the 19th, and Inland Postage to Bombay must be prepaid in Stamps on Letters sent by this opportunity to places in Egypt and to Countries in Foreign Europe *via* Trieste.

**RATES OF POSTAGE.**

	Rs.	As.	P.
Under ¼ Ounce	...	0	6 0
" ½ "	...	0	8 0
" ¾ "	...	0	14 0
" 1 "	...	1	0 0

No. 226.

The 10th March 1863.—The Public are informed that an Express Packet to the extent of 200 Ounces will be sent to Bombay on Friday, the 20th instant, and Letters will be received up to 6 P. M. of the same day.

Each Firm or Individual will be allowed to send Letters up to one Ounce in weight, and the Express Postage must be paid in cash at the Window at one Rupee for ¼ of an Ounce in addition to the Steamer Postage paid by Stamps.

No. 229.

The 12th March 1863.—The Overland Mail per Steamer *Bengal* will be closed on Sunday, the 22nd March 1863, at 6 P. M.

Letters for Madras, Ceylon, the Straits, China, Mauritius, and Australia can be sent by this opportunity.

	Weight.	<i>via</i> Marseilles.	<i>via</i> Southampton.
Postage.	Under ¼ Ounce	Rs. 0 6 0	Rs. 0 4 0
	" ½ "	" 0 8 0	" 0 8 0
	" ¾ "	" 0 14 0	" 0 8 0
	" 1 "	" 1 0 0	" 1 0 0
	" 2 "	" 2 0 0	" 1 0 0

No. 230.

The 14th March 1863.—The Post Master begs to inform the Public that the Overland Express Packet of the 5th March, and the Safe Dāk of the 4th idem, arrived at Bombay in time for the Overland Steamer.





# The Calcutta Gazette.

SATURDAY, MARCH 21, 1863.

## Home Department.

### LEGISLATIVE.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor General on the 10th March 1863, and is hereby promulgated for general information :—

Act No. XIV of 1863.

*An Act to amend Act X of 1859 (to amend the Law relating to the Recovery of Rent in the Presidency of Fort William in Bengal).*

WHEREAS it is expedient to amend Act X of 1859 (to amend the Law relating to the Recovery of Rent in the Presidency of Fort William in Bengal) so far as it relates to the Territories under the Government of the Lieutenant-Governor of the North-Western Provinces of the Presidency of Fort William in Bengal, and to authorize the extension of the Act to places to which its provisions do not now apply ; It is enacted as follows :—

I. In addition to the suits specified in Sections XXIII and XXIV of Act X of 1859, the following suits shall be cognizable by the Collectors of Land Revenue under the provisions of the said Act, and, except in the way of appeal as provided in the said Act, shall not be cognizable in any other Court or by any other Officer or in any other manner (that is to say) :—

1st.—Suits by Lumberdars for arrears of Government revenue payable through them by the co-sharers whom they represent.

2nd.—Suits by co-sharers for their share of the profits of an estate or any part thereof after payment of the Government revenue and village expenses, or for a settlement of accounts.

3rd.—Suits by Maafedars or assignees of Government revenue for arrears of revenue owing to them as such Maafedars or assignees.

4th.—Suits by Talookdars and other superior proprietors for arrears of revenue or otherwise (not being rent claimable under Section XXIII of the said Act X of 1859) due to them as such Talookdars or other superior proprietors.

II. Suits instituted under the preceding Section shall be instituted within three years from the date when the arrear or the amount of profits claimed shall have become due, or if the suit be for an arrear, or for profits due at the time of the passing of this Act, it shall be instituted within three years after the passing of this Act, or within the period now allowed for the institution of such suits in the Civil Court, whichever may first expire. If the suit be for a settlement of accounts, the suit shall be brought within one year after the expiration of the year to which the accounts relate, or in the case of any claim for such settlement now existing, within one year from the time of the passing of this Act, or within the period now allowed for the institution of such suits in the Civil Court, whichever may first expire.

III. In addition to the grounds mentioned in Section XVIII of the said Act X of 1859, upon which a ryot, having a right of occupancy, can claim an abatement of the rent previously paid by him, every such ryot may claim abatement on the ground that the rate of rent paid by him is above the prevailing rate payable by the same class of ryots for land of a similar description, and with similar advantages, in the places adjacent.

IV. Clause 2 of Section XXIII of the said Act X of 1859 shall be read as if the words "or by any other means not warranted by law" were added thereto.

V. From the date of the passing of this Act Sections XXXIV and LXXXVI of the said Act X of 1859 shall cease to have effect in the Territories under the Government of the Lieutenant-Governor of the North-Western Provinces, and shall not come into force in any place to which this Act shall be extended as hereinafter provided, and the following Sections are enacted in lieu thereof :—

"Section XXXIV. Suits under this Act shall be instituted by presenting to the Collector a plaint or statement of claim, which shall contain the name, description, and place of abode of the plaintiff, the name,

description, and place of abode of the defendant, so far as they can be ascertained, the substance and value of the claim, estimated according to any law for the time being in force for the valuation of suits, and the date of the cause of action."

"Section LXXXVI. Process of execution may be issued against either the person or the property of a judgment debtor, but process shall not be issued simultaneously against both person and property. Such process may be issued on the oral application of the judgment creditor, his agent, or mookhtar, made at the time the decree is passed, or thereafter upon the written application of the judgment creditor, his agent, or mookhtar. Process of execution against the person or moveable property of a debtor shall be in form E or F contained in the Schedule to the said Act X of 1859, or to the like effect."

VI. The provisions of Section 243 and 244 of the Code of Civil Procedure shall be applicable to decrees passed in suits under the said Act X of 1859, or this Act, in which the Collector shall award a sum of money on account either of an arrear of Government revenue, or of profits, or otherwise. Orders passed by a Collector under either of the said Sections shall be subject to revision by the Commissioner of the Division and the Sudder Board of Revenue, but shall not be open to appeal to the Civil Court.

VII. Section CXII of the said Act X of 1859 shall be read as if the words "or where the rent of a puttee is not collected by a Lamberdar, through the putteedar who is entitled to collect the rent" were added at the end of such Section.

VIII. The local Government may invest any Officer employed in making or revising settlements of the land revenue, with the powers of a Collector as described in the said Act X of 1859, for the decision of suits arising within the local limits of the jurisdiction assigned to such Officer, of the nature mentioned in Section XXIII of the said Act, or in this Act, while such Officer is so employed.

IX. In the exercise of the powers given under the last preceding Section, the Officer so invested shall have power to determine all disputes existing between Zemindars, Talookdars or other Sudder Malgoozars, or Farmers of land, or any person duly authorized on their behalf, and any dependent Zemindar, ryot or other under-tenant of whatever denomination, regarding the rates of rent payable by such dependent Zemindar, under-tenant, ryot, or other tenant.

X. If a suit for enhancement of rent be brought before any Officer empowered under Section VIII of this Act to hear the same, such suit shall be heard and determined by such Officer notwithstanding that no notice of enhancement shall have been served under Section XIII of the said Act X of 1859 on the party from whom such enhanced rent is claimed. In such case the statement of claim shall set forth the grounds on which such enhancement of rent is claimed. If a decree be passed in favor of the claimant, such

decree shall have effect only from the commencement of the next agricultural year after the date of the decree.

XI. Whenever a claim to enhancement or abatement of rent against or by any number of ryots is brought before an Officer engaged in making or revising settlements, and empowered under Section VIII of this Act to hear such claim, such ryots may be sued or may sue collectively, and it shall be no ground for dismissing or refusing to hear the claim that such ryots are wrongly joined as plaintiffs or defendants. Provided all such ryots cultivate in the same Estate, but no decree shall be passed in any such case in which an enhancement of rent is claimed, unless such Officer as aforesaid shall be satisfied that every ryot has had an opportunity to appear and make objection to the claim preferred against him. Provided also that every decree passed in any such case shall specify the extent to which each of the ryots named in the decree shall be affected thereby.

XII. All decisions passed under the foregoing Sections by an Officer engaged in making or revising settlements, and invested as above, shall be open to the same appeal as is given by the said Act X of 1859 in respect to decisions passed by a Collector in suits of the same description. Provided that no decree passed in any such suit by an Officer engaged in making or revising settlements before the passing of this Act, shall be open to question solely on the ground of want of jurisdiction in the Officer who passed such decree, or of any error, defect, or irregularity in procedure not productive of injury to either party, but an appeal shall lie against such decree in like manner as if the suit had been decided under this Act.

XIII. In all cases in which rents have heretofore been paid in kind, or by commutation of the estimated value of a portion of the crop, it shall be lawful for an Officer employed in making or revising the settlement of the land revenue, on the application either of the payer or the receiver of the rent, to commute such rent into a fixed money payment. The rate or amount of rent thus fixed shall be binding upon the parties concerned, subject to the provisions of the said Act X of 1859. All decisions already passed by any such Officer, commuting rents in kind, or by valuation, to fixed rents in money shall, subject to the same appeal as is given by the said Act X of 1859 in respect to decisions passed by a Collector in suits under the said Act, be legal and binding.

XIV. The provisions of Chapter VI. (relative to arbitration) of the Code of Civil Procedure shall apply to suits under the said Act X of 1859, and under this Act.

XV. In any District through which any canal passes, in respect of which any water rate is payable to Government, it shall be lawful for the local Government to appoint any proprietor or farmer of an estate through which such canal passes in such District, with the consent of such proprietor or farmer, to be a lamberdar for the collection of such water rate in such estate, and



thereupon the amount annually payable on account of such water rate by the dependent Zemindars, ryots, and other under-tenants in such estate shall (subject to such abatement on account of commission or otherwise as shall be allowed by the local Government to such lumberdar), be held to be a charge on the estate of such proprietor, or farmer, and shall be added to the assessment payable to Government in respect of such estate, and the amount thereof shall be recoverable in like manner as the assessment on such estate, and for the purpose of collecting such water rate from the dependent Zemindars, ryots, and other tenants in such estate liable thereto, such lumberdar shall have the like powers, and shall be subject to the same rules as are provided in any law for the time being in force in respect of the collection of the rent of land.

XVI. If any person shall be arrested under Rule as to person Section CXLV of the said arrested under Section CXLV of Act X of 1859, he shall be brought before the Collector with all convenient speed, and the Collector shall proceed forthwith to try the case. If the case cannot be at once heard and determined, the Collector may, if he think fit, require the party arrested to give security for his person whenever the same may be required. In default of such security, the party arrested may be committed to the Civil Jail until the case is tried.

XVII. Doubts having been entertained as to whether the decisions passed by a Zillah Judge in regular appeal under the said Act X of 1859 are open to special appeal, it is hereby declared that it was the intention of the said Act that such decisions should be open to special appeal to the Sudder Court in the same manner, and subject to the same rules, as the decisions of Zillah Judges passed in regular appeal are open to special appeal under the Code of Civil Procedure.

XVIII. This Act shall be read and taken, in the Territories under the Government of the Lieutenant-Governor of the North-Western Provinces, and in all places to which this Act shall be extended under the next following Section, as part of the said Act X of 1859.

XIX. It shall be lawful for the Governor-General of India in Council to extend the provisions of Act X of 1859 as amended by this Act to any Territories immediately administered by the Government of India, or for the Lieutenant-Governor of the North-Western Provinces, and of the Punjab, respectively, to extend the said Act amended as above to any part of the Territories under their respective Governments, in which the said Act X of 1859 is not now in force. Whenever the said Act amended as above shall be so extended, the Governor-General of India in Council, or the Lieutenant-Governor who shall so extend the same, shall declare by what Officers in the said Territories or any parts thereof, to which the said Act X of 1859 amended as above shall be extended, the powers given by the said Act shall be exercised, and such Officers shall thereupon be authorized to exercise such powers.

M. WYLIE,

Depty. Secy. to the Govt. of India,  
Home Department.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th March 1863, and is hereby promulgated for general information.—

ACT No. XV OF 1863.

*An Act to amend Act I of 1859 (for the amendment of the law relating to Merchant Seamen.)*

WHEREAS it is expedient to amend the provisions of Act I of 1859 (for the amendment of the law relating to Merchant Seamen) in so far as the said Act relates to agreements with Natives of India; to vessels trading from the Straits Settlement to the Gulf of Siam, and the Eastern Archipelago; and to the cancellation and suspension of certificates of competency and service; It is enacted as follows:—

I. Sections XVII, XXI, LXXXI and LXXXII of the said Act I of 1859, and Act XXVIII of 1861 (to extend the provisions of Act I of 1859 for the amendment of the law relating to Merchant Seamen) are hereby repealed.

II. Sections IX to XVI of the said Act I of 1859 shall not apply to ships registered under Act X of 1841, (for prescribing the rules to be observed, in order that ships or vessels belonging to Ports within the Territories under the Government of the East India Company, or belonging to Native Princes or States, or their Subjects, may become entitled to the privileges of British ships under a proclamation of the Governor-General of India in Council, made in pursuance of the Statute 3 and 4 Victoria, Chapter 56), and trading between Ports in India and the Coast of Arabia, when such ships are navigated and manned exclusively by Arabs, Lascars, or other Asiatic Masters and Seamen, or to ships of less than 200 tons burden registered under the said Act X of 1841, and trading between any Port of the Settlement of Prince of Wales' Island, Singapore and Malacca, and the Gulf of Siam, or the Eastern Archipelago, when such ships are navigated exclusively by Malays, Lascars, or other Asiatic Masters and Seamen.

III. The Master of every ship, except ships of a burden not exceeding three hundred tons employed only in the Home-trade, shall enter into an agreement with every Seaman and with every Native of India not being a Seaman whom he carries to sea from any Port in India as one of his crew, in the manner hereinafter mentioned; and every such agreement shall be in a form sanctioned by the Governor-General of India in Council, and shall be dated at the time of the first signature thereof, and shall be signed by the Master before any Seaman or other person aforesaid signs the same, and shall contain the following particulars as terms thereof; (that is to say) —

1.—The nature and, as far as practicable, the duration of the intended voyage or engagement.

2.—The number and description of the crew, specifying how many are engaged as sailors.

3.—The time at which each Seaman and each Native of India not being a Seaman is to be on board or to begin work.

4. The capacity in which each Seaman and Native of India not being a Seaman is to serve.

5.—The amount of wages which each Seaman and each Native of India not being a Seaman is to receive.

6. A scale of the provisions which are to be furnished to each Seaman and to each Native of India not being a Seaman.

7. Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by the Government as regulations proper to be adopted and which the parties agree to adopt.

And every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the Master and Seaman, and each Native of India not being a Seaman, in each case (not being inconsistent with the provisions of this Act), as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law. Provided that, if the

Master of any ship belonging to the United Kingdom or any British possession has an agreement with his crew made in due form according to the law of the place to which such ship belongs, or in which her crew were engaged, and engages single Seamen, or any Native of India not being a Seaman, in any Port in India, such Seaman or other person aforesaid may sign the agreement so made, and it shall not be necessary for such Seaman or other person aforesaid to sign an agreement under this Act. Pro-

vided also that, in the case of Lascars or other Native Seamen, and every Native of India not being a Seaman, when it shall be agreed that the service of any such Seaman or other person aforesaid shall end at any Port not in India, the agreement shall contain stipulations for providing for such Seaman or other person aforesaid fit employment on board some other vessel bound to the Port at which he was shipped, or such other Port as may be agreed on, or for providing for him a passage to some such Port as aforesaid free of charge, or on such other terms as may be agreed on; and every such stipulation shall be signed by the owner of the vessel or by the Master on his behalf.

Proviso as to forms for British or Colonial ships.

Proviso where Lascars are shipped.

IV. Every Court having Admiralty jurisdiction

Court authorized to make enquiry into charges against Masters, Mates, and Engineers, and to report to local Government.

in India, and the principal Court of Ordinary Criminal Jurisdiction at every Port in India where there is no Court having Admiralty jurisdiction, is hereby authorized to investigate and try charges of incompetency or misconduct on the part of any Master, Mate or Engineer of any ship, who shall have obtained his certificate from the Board of Trade, and to make enquiry as to shipwreck or other casualties affecting ships; and if on such investigation it shall appear to any such Court as aforesaid, that the loss or abandonment of, or any serious damage to, any ship, or loss of life, has been caused by the wrongful act or default of any such Master, Mate or Engineer, or that any such Master, Mate or Engineer has been guilty of any gross act of misconduct, drunkenness, or tyranny, such Court may suspend for such period as it shall think fit, or may cancel such certificate whether of competency or service of such Master, Mate or Engineer, and the Court shall report the same to the local Government,

within whose limits such Court is situated. Provided that no certificate shall be cancelled or suspended unless a copy of the Report or a Statement of the

case upon which the investigation is made, shall have been furnished to the owner of the certificate before the commencement of the investigation. Provided also that the Report of such Court is confirmed by the Governor or other person administering the local Government wherein such Court is held.

V. Every Court by which any investigation or trial is held under the last preceding Section shall, at the conclusion of the case, or as soon afterwards as possible, state in open Court the decision to which they may have come with respect to cancelling or suspending certificates, and shall in all cases send a full report upon the case with the evidence to the Board of Trade, and shall also, if they determine to cancel or suspend any certificate, forward such certificate to the Board of Trade with their Report.

VI. If the local Government, on the information of any Shipping Master, or on any other ground, has reason to believe that any Master or Mate who has obtained a certificate of competency or service from such Government, or from any other local Government, is, from incompetency or misconduct, unfit to discharge his duties, it may direct any Board or Officer at or near to the place at which it may be convenient for the parties and witnesses to attend, to institute an investigation; and thereupon such Board or Officer shall conduct the investigation into such charge of incompetency or misconduct, and shall, on the conclusion of the investigation, make a report upon the case to the local Government which ordered the investigation.

Local Government may direct investigation in cases of incompetency and misconduct.

VII. For the purpose of any such enquiry under Section IV or Section VI, the Court, Board or Officer may summon the Master, Mate or Engineer, as the case may be, to appear, and shall give him full opportunity of making a defence, either in person or otherwise, and may summon and examine witnesses, and may make such order with respect to the costs of such investigation, and may require such security for costs, as such Court, Board, or Officer may deem just. Every order in respect of costs under this Section may be enforced in like manner as a fine may be enforced by a Magistrate in the Port where such investigation is held.

Powers of Court, &c., in making enquiry.

VIII. The local Government may suspend or cancel the certificate (whether of competency or service) granted by such local Government or by any other local Government under the said Act I of 1853, to any Master or Mate in the following cases; (that is to say) —

Local Government may cancel or suspend certificates in certain cases.

Clause 1. If upon any investigation conducted under the provisions of Sections C, CI, and CII of Act I of 1859, it is reported that the loss or abandonment of, or serious damage to any ship, or loss of life, has been caused by his wrongful act or default.

Loss, abandonment or serious damage by default of Master or Mate.

or serious damage to any ship, or loss of life, has been caused by his wrongful act or default.



*Clause 2.* If upon any investigation held under Section VI of this Act, the Master or Mate shall be reported to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness, or tyranny.

*Clause 3.* If upon any investigation held under the provisions of the Merchant Shipping Act 1854, or the Merchant Shipping

Amendment Act 1862, or upon any investigation made by a Naval Court constituted as is provided by any law for the time being in force, or upon any investigation made by any Court or Tribunal authorized or hereafter to be authorized by the Legislative Authority in any British possession to make enquiry into charges of incompetency or misconduct on the part of Masters or Mates of ships, or as to shipwreck or other casualties affecting ships, it is reported that the loss or abandonment of, or serious damage to any ship, or loss of life, has been caused by his wrongful act or default; or that he has been guilty of any gross act of misconduct, drunkenness, or tyranny. Provided always that, in the case of any report by any such last-mentioned Court or Tribunal, the report shall have been confirmed by the Governor or person administering the Government of such possession.

*Clause 4.* If he has been superseded by the order of any Admiralty Court, or of any Naval Court constituted as provided by the Merchant Shipping Act 1854, or any other law for the time being in force.

*Clause 5.* If he is shown to have been convicted of any offence.

**IX.** Every Master, Mate or Engineer whose certificate is cancelled or suspended under the provisions of this Act, shall deliver it to the Shipping Master, or to such other person as the Court or the local Government which cancelled or suspended the certificate shall direct, and in default, shall, for each offence, incur a penalty not exceeding five hundred Rupees. Provided that if the local Government which cancels or suspends a certificate of a Master or Mate is not the local Government that granted the same, the local

Government which so cancels or suspends the certificate, shall report the proceedings and the fact of cancellation or suspension to the local Government which granted such certificate. Provided also that it shall be competent to any local Government at any subsequent time to grant to any person whose certificate has been cancelled a new certificate of the same or of any lower grade.

**X.** Nothing in this Act shall be held to affect the powers of removal vested by Section CCXL of the Merchant Shipping Act of 1854, or Section LXXX of the said Courts having Admiralty jurisdiction in India. The said powers may be exercised by the principal Court of ordinary Criminal jurisdiction at any Port in India where there is no Court having Admiralty

*Saving of powers vested in certain Admiralty Courts.*

*Same powers may be exercised by Chief Criminal Court in Indian Port where there is no Admiralty Court.*

jurisdiction if the Master or Mate shall have received his certificate from any local Government.

*Act to be taken as part of Act I of 1859.* XI. This Act shall be read and taken as part of the said Act I of 1859.

M. WYLIE,  
Deputy Secy. to the Govt. of India,  
Home Department.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th March 1863, and is hereby promulgated for general information:—

# ACT No. XVI of 1863.

*An Act to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry.*

WHEREAS it is expedient to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry; It is enacted as follows:—

**I.** Spirits intended to be used exclusively in Arts and Manufactures or in Chemistry may be removed from any licensed Distillery in any part of British India on payment of duty calculated at 10 per cent. on the value of the Spirits, provided that no Spirits shall be so removed until they have been effectually and permanently rendered unfit for human consumption.

**II.** The Board of Revenue, or other authority specially authorized in that behalf by the local Government, shall prescribe from time to time, subject to the approval of the local Government, rules for ascertaining and determining that Spirits proposed to be removed for the purposes aforesaid have been effectually and permanently rendered unfit for human consumption, as required by Section I of this Act; for causing such Spirits to be so rendered, if necessary, by its own officers at the expense of the person who wishes to remove them; and for fixing the value of the Spirit on which the *ad valorem* duty shall be levied.

**III.** Every person who shall wilfully contravene any rule prescribed by the Board of Revenue, or other Authority as aforesaid, under the last preceding Section of this Act, shall be liable on conviction before any Officer exercising the powers of a Magistrate to a penalty not exceeding five hundred Rupees for every such offence.

**IV.** Every person who shall attempt, or shall connive at an attempt, to render fit for human consumption Spirits removed from a Distillery under the provisions of this Act, shall be liable to a penalty not exceeding one thousand Rupees; and the possessor of such

Spirits on which such attempt has been made, or which may have been rendered fit for human consumption, shall be liable on conviction before any Officer exercising the powers of a Magistrate to a penalty not exceeding five hundred Rupees.

V. Any penalty imposed under either of the last two preceding Sections may in case of non-payment be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of the Officer by whom such penalty was imposed.

VI. In case any such penalty shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

VII. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer by the confession of the offender or otherwise that he has not sufficient goods and chattels whereupon such penalty could be levied if a warrant of distress were issued, any such Officer may by warrant under his hand commit the offender to the Civil Jail, there to be imprisoned, according to the discretion of such Officer, for any term not exceeding two Calendar months when the amount of penalty shall not exceed fifty Rupees, and for any term not exceeding four Calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six Calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

VIII. The prohibition contained in Section XI of Act III of 1852 (to amend the law relating to spirituous and intoxicating liquors, drugs, and preparations within the Territories subordinate to the Presidency of Bombay, against mixing any noxious drug or material in, or by other process adulterating Spirits manufactured under the provisions of Regulation XXI of 1827 of the Bombay Code, or of the said Act III of 1852, shall not apply to Spirits rendered unfit for human consumption under this Act.

IX. In every case of conviction under Section III or Section IV of this Act the liquor or Spirits with the cask or vessel containing the same, and the cart, boat, and animal or animals employed in carrying such liquor or Spirit shall be liable to confiscation.

M. WYLE,

Depy. Secy. to the Govt. of India.

Home Department.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th March 1863, and is hereby promulgated for general information :—

Act No. XVII of 1863.

*An Act to authorize the extension of the term of Office of the Municipal Commissioners in the Settlement of Prince of Wales' Island, Singapore and Malacca.*

WHEREAS it is expedient that the term of Office of the Municipal Commissioners in the Straits Settlement should be extended; It is enacted as follows :—

I. Section XIX of Act XXVII of 1856 (for appointing Municipal Commissioners, and for levying rates and taxes in the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca), is repealed. The operation of Section XV of the said Act shall be suspended at the election of Municipal Commissioners under the said Act, to be held next after the passing of this Act.

II. The Governor of the Settlement shall, upon the appointment of the Commissioner whom he is empowered by the said Act XXVII of 1856 Section V to appoint, declare for what number of years, not exceeding three, such Commissioner shall hold Office.

III. The Municipal Commissioners of Prince of Wales' Island, Singapore, and Malacca, respectively, who shall be chosen at the said next election by the largest number of votes, shall hold their Office for one, two, or three years, as shall be determined in manner hereinafter mentioned.

IV. The Municipal Commissioner who is chosen at such next election by the largest number of votes shall hold his Office for three years; the Municipal Commissioner who is chosen by the next largest number of votes shall hold his Office for two years, and the remaining Municipal Commissioner shall hold his Office for one year.

V. If at any of the said Stations the three Municipal Commissioners chosen at the said next election shall be elected by an equal number of votes, the Governor, or, in his absence from such Station, the Resident Councillor shall declare and appoint the periods of three years, two years, and one year, respectively, for which every such elected Municipal Commissioner shall hold Office.

VI. If at any of the said Stations at the said next election two of the Municipal Commissioners chosen shall have an equality of votes, but such number shall be greater than the number of



votes given for the third Municipal Commissioner; the Governor, or, in his absence, the Resident Councillor shall declare and appoint the periods of three years, and two years, respectively, for which each of the said two Municipal Commissioners shall hold Office; and the other Municipal Commissioner shall hold Office for one year only.

VII. If at any of the said Stations at the said next election one of the Municipal Commissioners chosen shall have a number of votes larger than the other two Municipal Commissioners, and such other two Commissioners shall have an equality of votes, the Municipal Commissioner who shall have such larger number of votes shall hold Office for three years, and the Governor, or, in his absence, the Resident Councillor shall declare the periods of two years, and one year, respectively, for which each of the other two Municipal Commissioners shall hold Office.

VIII. If at any of the said Stations an equal number of votes be given for any two or more candidates at the said next election, so that the Sheriff or his Deputy is not able to declare as between such persons which of them has been elected, the Governor, or, in his absence, the Resident Councillor shall give a casting vote for one or more of such persons, and, reckoning such vote, shall declare the period for which such person or persons shall hold Office in manner provided in Section IV.

IX. Every Commissioner appointed under Section XVI of the said Act XXVII of 1856, in consequence of a refusal to act, a failure of election, or otherwise, shall hold Office for such term as the Governor or Resident Councillor of the Station shall declare. Provided that such term shall in no case exceed three years, and shall be a term which shall conform to the terms for which the other Commissioner or Commissioners shall have been declared and appointed to hold Office under Section IV of this Act, so that the three Commissioners shall hold their Offices for three years, two years, and one year, respectively.

X. Every Commissioner appointed under the provisions of Section XVII of the said Act XXVII of 1856, in place of any Commissioner elected at the said next election, shall hold Office for the term for which the Commissioner in whose place he is appointed was entitled to hold Office.

XI. The names of the persons elected or appointed to be Municipal Commissioners under this Act, and the terms for which such persons shall hold Office, shall be published in such manner as the Governor may direct.

XII. The Municipal Commissioners at each of the said Stations elected under the provisions of this Act shall enter upon their Office on the first day of January after their election, and shall hold Office for the periods hereinbefore provided. At every subsequent election under the said Act XXVII of 1856, one Commissioner only shall be elected. The Commissioner elected at such subsequent election shall hold Office for three years. Appointments to fill up any vacancy occasioned by the death, resignation, or refusal to act of any such Commissioner shall have effect for the period for which such Commissioner would have held Office but for such death, resignation, or refusal to act, and all the provisions of the said Act XXVII of 1856, so far as they are not affected by this Act, which relate to the election of three Commissioners at each annual election shall, so far as practicable, be construed to apply to the election of one Commissioner only.

XIII. This Act shall be read and taken as part of the said Act XXVII of 1856.

M. WYLLIE,  
Depy. Secy. to the Govt. of India,  
Home Department.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th March 1863, and is hereby promulgated for general information:—

Act No. XVIII of 1863.

*An Act to make provision for the speedy and efficient disposal of the business now pending in the Office of the Master of the High Court of Judicature at Fort William in Bengal, and to provide for the abolition of the Oaths now administered to Hindoos and Mahomedans in the said Court, and to amend the Code of Civil Procedure in respect of process issued out of the said Court in the exercise of its Original Civil Jurisdiction.*

WHEREAS, at the time of the abolition of the late Supreme Court of Judicature at Fort William in Bengal, many matters which had been referred to the Master of the said Court were pending before him, and many of them are still pending before the Master of the High Court, and it is expedient that all such matters should be wound up and determined as expeditiously as possible, and whereas it is expedient that the law concerning the administration of oaths to Hindoos and Mahomedans in such Court should be assimilated to the law concerning such oaths in Courts not established by Royal Charter; and that the Code

of Civil Procedure should be amended in respect of process issued out of the said High Court in the exercise of its Ordinary Original Civil Jurisdiction. It is enacted as follows:—

I. In order as expeditiously as may be to wind up all the suits, matters, and things which are now pending before the Master of the said High Court of Judicature at Fort William Bengal, it shall be lawful for the Master, at any time after the passing of this Act at his own discretion, and without application on behalf of any of the parties to the suit or reference, and in such manner as he shall deem fit, to summon all or any of the parties to any suit, matter, or thing so pending, or their Solicitors, and thereupon to proceed with such suit, matter, or thing, and to give such directions and make such orders as he may think necessary for the purpose of settling and winding up the same; but any such order shall be subject to be discharged or varied by the said Court upon application made for that purpose, and the Master shall be at liberty to proceed *ex parte* for the purposes aforesaid in the absence of any of the parties or their Solicitors neglecting or refusing to attend the summons, and it shall also be lawful for the Master at his discretion to proceed with the reference, and to make a special report to the Court notwithstanding the death of any of the parties to the suit or reference, or their absence from the jurisdiction of the Court, or in cases in which, after search to the satisfaction of the Master, parties are not to be found within the jurisdiction of the Court, or it is uncertain whether such parties are living or dead.

II. In case the Master shall be unable by reason of the conduct of parties, or otherwise, to dispose finally of any suit, matter, or thing referred to or pending before him (within such time as he shall in that behalf determine), he shall be at liberty to report on or to dispose of any part thereof within his power, and to report or certify on the whole of the case; and upon such report or certificate the Court shall make such order as it shall think proper on all or any of the parties, for the further prosecution of the suit or matter, or for the final disposal thereof and for the payment of the costs thereof, including any of the costs which may have been incurred by reason of the conduct of the parties.

III. If within a time to be fixed by the Master in that behalf, the report or certificate of the Master shall not be brought before the Court, the Registrar shall bring such report or certificate before the Court, and the Court is hereby empowered to make such order or decree in the suit as to the Court shall seem fit.

IV. From and after the passing of this Act no reference shall be made to the Master except in cases in which, from some previous reference made in the suit or matter, or in some other suit

or matter connected therewith, the Court may think it expedient to make such reference.

V. From and after the passing of this Act all or any of the powers, authorities, and jurisdiction which at the time of the abolition of the said Supreme Court were vested in the Master in Equity, may be exercised by the High Court, or by a Judge of the said Court.

VI. Whenever it shall appear from the certificate of the Master that no proceedings have been taken in his Office for a period of one year in any reference pending before him; the Court shall have power to dismiss such suit, or to make such other order or decree in the suit as to the Court shall seem fit.

VII. It shall be lawful for any division Court consisting of more than one Judge to adjourn, for the consideration of a single Judge, any matters of account, detail, or other description which, in the opinion of such Court, may be more conveniently investigated by a single Judge sitting in Chambers, and such matters shall thereupon be investigated by a single Judge, who shall proceed with such investigation sitting either in Chambers or in open Court, and shall report thereon to a division Court, and such report shall as regards such division Court be final, but shall be open to revision by any Court of Appeal to whom the order or decree founded thereon may be appealed. The Chief Justice shall from time to time determine in each case what Judge shall take or proceed with the investigation.

VIII. The said High Court shall have power to make general rules or orders for winding up the business now pending in the Office of the said Master, and generally for regulating the conduct of business, and the manner in which the same shall be transacted in the Master's Office, and for regulating the procedure of a single Judge touching investigations before him under the provisions of this Act. Provided that such rules and orders shall not be inconsistent with the provisions of this Act, or of any Act for the time being in force relating to such matters.

IX. The proviso contained in Section IV of Act V of 1840 (concerning oaths and declarations of Hindoos and Mahomedans), that the said Act shall not apply to any declaration or affirmation made in any of Her Majesty's Courts of Justice, is hereby repealed, and Section I of the said Act V of 1840 shall be read as if the words following had been added thereto.

“And when verifying an Affidavit to the following effect:—I solemnly affirm in the presence of Almighty God that the signature to this is my name and handwriting, and that the contents of this Affidavit are true.”



X. After the passing of this Act notices to produce documents or writings, summonses to witnesses, and all other judicial process issued in the exercise of the Ordinary Original Civil Jurisdiction of the High Court of Judicature at Fort William, in Bengal, except writs of summons to defendants issued under Section XLI of Act VIII of 1859 (the Code of Civil Procedure) and writs of execution, may be served by the Attorneys in the suit, or by persons employed by them, or in such other manner as the said High Court shall by any rules or orders from time to time direct.

XI. It shall not be necessary for a Judge of the said High Court to sign any writ, order, summons or other judicial process issued or made in the exercise of the Ordinary Original Civil Jurisdiction of the said High Court. The said High Court shall have power from time to time to direct that such writs, orders, or other process shall be signed by such Officer or Officers of the said Court as to the Court may seem fit.

XII. This Act may be extended to the High Court of Judicature at Madras, and the High Court of Judicature at Bombay, by an order of the Governor in Council of Fort St. George, and the Governor in Council of Bombay, respectively, to be published in the Official Gazettes of Madras and Bombay, respectively; and when so extended by such order, shall take effect in the said Courts from the date of the publication of such order. When so extended to either of such High Courts, this Act shall in all respects apply to such High Court in the same manner as if the name of such High Court had appeared in this Act wherever the name of the High Court of Judicature at Fort William in Bengal appears.

M. WYLIE,  
Depy. Secy. to the Govt. of India,  
Home Department.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th March 1863, and is hereby promulgated for general information:—

ACT No. XIX OF 1863.

*An Act to consolidate and amend the Law relating to the Partition of Estates paying Revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal.*

WHEREAS it is expedient to consolidate and amend the law relating to the Partition of Estates paying Revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal; It is enacted as follows:—

I. From the date of the passing of this Act Regulation IX. 1811 of the Bengal Code (for facilitating the division of landed property, and for securing the rights of joint sharers in joint undivided Estates), Regulation XI. 1811 of the same Code (for extend-

ing the period fixed by the existing Regulations for revising the jumma on lands ordered to be divided into two or more Estates), Regulation XIX. 1814 of the same Code (for reducing to one Regulation, with alterations and additions, certain Regulations respecting the Partition of Estates paying Revenue to Government), Act XX of 1836, and Act XI of 1838, except in so far as the said Regulations and Acts repeal any Regulation or Act, or any part of any Regulation or Act, and except as to the partition of any estate which shall be pending at the time of the passing of this Act, shall cease to have effect in the North-Western Provinces of the Presidency of Fort William in Bengal. Unless as hereinafter provided, the partition of any estate which shall be pending at the time of the passing of this Act shall be proceeded with and completed in the same manner as if this Act had not been passed.

II. Except as directed in the last preceding Section, all partitions of estates which shall be ordered to be made by the Officers of Government after the passing of this Act, shall be made under the provisions of this Act, whatever may be the tenure of the estate ordered to be divided.

III. Every recorded proprietor of a joint undivided estate paying revenue to Government or of any portion thereof, whether such Estate is held in common tenancy or otherwise, is entitled to claim partition under this Act.

IV. When any one or more of the recorded proprietors of an estate as described in the last preceding Section shall desire to have his or their shares of the estate separated, in order that he or they may hold the same as a separate property, or as separate properties, such proprietor or proprietors shall make a written application for the purpose to the Collector of the District. Any two or more proprietors may apply to have their shares separated, and to hold the same as a joint estate.

V. The application shall be signed by the party or parties applying for the partition, and shall specify the nature of the tenure of the estate sought to be divided. The names of all the co-sharers in the estate, the nature and extent of their respective shares, so far as the same may be known to the applicant or applicants, or can be ascertained by him or them, and the mode of partition desired, shall also be stated. If the application does not contain the particulars above mentioned, the Collector may reject it.

VI. The Collector, on the receipt of an application for partition, shall, if the application be in order, and not open to objection on the face of it, publish a Notification of the same at his Office, and at some conspicuous place on the estate to which the application relates, and shall invite any party in possession, who may not have joined in the application and who may object to the partition applied for, to appear before him either in person or by a duly constituted agent, on a day to be specified in the Notification, not being less than fifteen or more than thirty days

from the date of the Notification, and state his

objection. If the application for partition shall not have been made by all the recorded proprietors of the estate, notice of the application shall be served, in the manner usual in the District for serving notices of the Revenue Officers, on such of the recorded proprietors of the estate as shall not have joined in the application. Provided that, if from any cause such service cannot

take place, a proclamation notifying such application shall be published by affixing it at the Maal Cutcherry of such estate or other conspicuous place thereon, or at the Village Chowrie, Choupal, or other conspicuous place in each village in such estate.

VII. If any objection be made to the partition by any party in possession, within the time allowed, and the Collector, on a consideration of such objection, be of opinion that there is any good and sufficient reason, not inconsistent with the provisions of this Act, why the partition should be absolutely disallowed, he may refuse the application, recording the grounds of his refusal.

VIII. If the objection raise any question of title or of proprietary right, which shall not appear to have been already determined by a Court of competent jurisdiction, the Collector may either decline to grant the application until the question in dispute shall have been determined by a competent Court, or he may proceed to inquire into the merits of the objection. In the latter case the Collector, after making the necessary inquiry and taking such evidence as may be adduced, shall record a proceeding declaring the nature and extent of the interests in the actual possession of the party or parties applying for the partition, and any other party or parties who may be affected thereby. The procedure to be observed by the Collector in trying such cases shall be that laid down in Act VIII of 1859 (*for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter*) for the trial of original suits. And the Collector shall have power to refer any question that may arise in such case to arbitration, and the provisions of Chapter VI. (relative to arbitrators) of the Code of Civil Procedure shall apply to cases so referred by a Collector.

IX. All orders and decisions passed by the Collector under the last preceding Section, for declaring the rights of parties, shall be held to be decisions of a Court of Civil Judicature of first instance, and shall be open to appeal to the District or Sudder Court, according to the value of the claim, under the rules applicable to regular appeals to those Courts. Upon such appeal being made, the District or Sudder Court, as the case may be, may issue a precept to the Collector desiring him to stay the partition pending the decision of the appeal.

X. From every decision passed under the last preceding Section by a District Court a special appeal shall lie to the Sudder Court, under the rules for the time being in force relating to special appeals to that Court.

XI. It shall not be competent to the Civil Court to entertain a suit or application for the partition of an estate, except on appeal from the decision of the Collector as hereinbefore provided, any thing contained in Section 225, Act VIII of 1859 (*for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter*), to the contrary notwithstanding.

XII. When the Collector, after disposing of the objections (if any) taken to the partition, shall order a partition to be made, he shall cause a Notification to be published in his own Office, in the District Court, and at some conspicuous place on the estate which is to be divided, intimating his intention to proceed with the partition after thirty days from the date of the Notification.

XIII. The partition shall be made by the Collector in whose District the estate is situate, or, if the estate be situate in two or more Districts, then by the Collector of any one of such Districts, who may be specially ordered by the Commissioner of the Division to superintend the partition. If the estate be situated in two or more Divisions, the partition shall be made by such Collector as the Board of Revenue shall order.

XIV. The expense of making the partition, and the allowances of the establishment necessary for the measurement and survey of the lands, the preparation of papers, and any other charges, shall be fixed by the Collector. The amount shall be paid under such rules as may from time to time be laid down by the Board of Revenue with the sanction of the local Government, and, in default of payment, may be realized under the rules applicable to the recovery of arrears of rent or revenue.

XV. At any stage of the proceedings after a partition shall have been ordered, if it shall appear from information which was not before the Collector at the time the partition was ordered, or otherwise, that any reason not inconsistent with the provisions of this Act exists why the partition should not be proceeded with, it shall be competent to the Commissioner, on the report of the Collector, and subject to any orders that the Board of Revenue may pass in the case, to stay the partition, and to order the proceedings to be quashed.

XVI. After the expiration of the period mentioned in the Notification referred to in Section XII of this Act, the Collector shall, if necessary, cause a measurement of all the lands comprised in the estate to be made, and a rent-roll of the same to be prepared. The village papers which are required to be prepared and periodically deposited in the Office of the Collector under the provisions of Sections XI and XII, Regulation IX. 1833 (4

under the rules for the time being in force relating to special appeals to that Court.

XI. It shall not be competent to the Civil Court to entertain a suit or application for the partition of an estate, except on appeal from the decision of the Collector as hereinbefore provided, any thing contained in Section 225, Act VIII of 1859 (*for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter*), to the contrary notwithstanding.

XII. When the Collector, after disposing of the objections (if any) taken to the partition, shall order a partition to be made, he shall cause a Notification to be published in his own Office, in the District Court, and at some conspicuous place on the estate which is to be divided, intimating his intention to proceed with the partition after thirty days from the date of the Notification.

XIII. The partition shall be made by the Collector in whose District the estate is situate, or, if the estate be situate in two or more Districts, then by the Collector of any one of such Districts, who may be specially ordered by the Commissioner of the Division to superintend the partition. If the estate be situated in two or more Divisions, the partition shall be made by such Collector as the Board of Revenue shall order.

XIV. The expense of making the partition, and the allowances of the establishment necessary for the measurement and survey of the lands, the preparation of papers, and any other charges, shall be fixed by the Collector. The amount shall be paid under such rules as may from time to time be laid down by the Board of Revenue with the sanction of the local Government, and, in default of payment, may be realized under the rules applicable to the recovery of arrears of rent or revenue.

XV. At any stage of the proceedings after a partition shall have been ordered, if it shall appear from information which was not before the Collector at the time the partition was ordered, or otherwise, that any reason not inconsistent with the provisions of this Act exists why the partition should not be proceeded with, it shall be competent to the Commissioner, on the report of the Collector, and subject to any orders that the Board of Revenue may pass in the case, to stay the partition, and to order the proceedings to be quashed.

XVI. After the expiration of the period mentioned in the Notification referred to in Section XII of this Act, the Collector shall, if necessary, cause a measurement of all the lands comprised in the estate to be made, and a rent-roll of the same to be prepared. The village papers which are required to be prepared and periodically deposited in the Office of the Collector under the provisions of Sections XI and XII, Regulation IX. 1833 (4



modify certain portions of Regulation VII. 1822 and Regulation IV. 1828; to provide for the more speedy and satisfactory decision of judicial questions cognizable by Officers of Revenue employed in making settlements under the above Regulations; for enforcing the production of the village accounts; for the more extensive employment of Native agency in the Revenue Department; and to declare the intent of Section V, Regulation VII. 1822, touching claims to *Malikani* may be used for the purposes of this Act. Provided that any of the proprietors shall be permitted to file a rent-roll of the estate, which shall be accepted if acknowledged to be correct by all the proprietors.

**XVII.** The Collector may examine the parties on solemn affirmation in regard to the papers produced before him, whether by the Officer appointed to make the partition, the proprietors, or otherwise. He shall also allow any shareholder to examine the papers so produced, and to take a copy of the same, and after such examination he shall hear any objections which any of the shareholders may make in respect to such papers. The Collector may direct any Deputy Collector or other Officer subordinate to him to examine the papers produced before him, and to make a report upon the same.

**XVIII.** The Collector, on the completion of the enquiry allowed by the last preceding Section, shall allow the parties the option of making a private partition of the estate and allotment of the public revenue amongst themselves, within such time as he may fix, or, if the parties shall not consent to make a private partition of the estate, or shall fail to make such partition within the time fixed by the Collector, the Collector shall call upon them to state whether they are willing to refer the partition of the estate and the apportionment of the public revenue to an arbitrator or arbitrators to be appointed by them. The Collector may also offer the parties the option of referring any point arising in the course of a partition to arbitration. The partition and allotment of the public revenue made by the parties, or by arbitrators appointed by them, shall be subject to the confirmation of the Collector, and the orders of the superior Revenue Authorities.

**XIX.** If the parties consent to refer the partition of the estate and the allotment of the public revenue or any point arising in the course of the partition to arbitration, but they cannot agree amongst themselves as to the arbitrator or arbitrators to be appointed, the Collector may appoint two or more persons to be arbitrators in the case. If the arbitrators are equally divided in opinion, the Collector shall act as umpire and the partition made by the arbitrator or arbitrators with whom the Collector shall concur shall be the partition in the case. The same rule shall apply in respect of any point arising in the course of a partition which shall be referred to arbitration.

**XX.** If any person, on being appointed an arbitrator, shall refuse to act, or, after accepting the appointment, shall die or become incapable of acting, another person shall be appointed arbitrator in his stead, in the same manner in which the first person was appointed.

**XXI.** After the arbitrators shall have accepted the appointment, the Collector shall transmit the whole of the papers to them, and it shall be competent to the Collector to exercise towards the arbitrators the same powers and authority for securing their attendance and the due completion of their award, which he is competent to exercise towards witnesses summoned before him, when acting Judicially, for the purpose of compelling them to attend and give evidence. The Collector shall also fix a time within which the arbitrator or arbitrators shall deliver the paper of partition. On sufficient cause shewn the Collector may extend such period.

**XXII.** The arbitrators shall deliver a full and complete paper of partition, specifying the separate estates into which they propose that the estate shall be divided, the names of the parties to whom the several estates are proposed to be allotted, and the amount of public revenue to be assessed on each of such estates.

**XXIII.** The arbitrators, on delivering the paper of partition as aforesaid, shall be entitled to reasonable fees for their services, the amount to be fixed by the Collector.

**XXIV.** If the paper of partition be not delivered within the time fixed by the Collector, or within any further period to which the time may have been extended, the Collector may order that the partition shall be referred to another arbitrator or arbitrators, to be chosen in the same manner and subject to the same rules as the first.

**XXV.** If the partition of the estate cannot be made by the parties themselves, or by arbitration, under the foregoing rules, the Collector shall appoint an Officer to make the partition, and shall forward the whole of the papers to such Officer, and shall direct him to proceed to the estate, and to make the partition within a time to be fixed by the Collector.

**XXVI.** The Officer appointed to make the partition shall issue a proclamation at the *Maal-Cutcherry* of the estate, or other conspicuous place thereon, or at the village *Chowrie* or *Choupal*, requiring the several proprietors of the estate to attend upon him in person, or by agent, during the time that the partition is being made.

**XXVII.** At the commencement of the revenue year current in the District, the Collector may direct the Officer appointed to make the partition, or some other person, to attach the estate, and to bring it under *Khas* management under the

personal superintendence of such Officer. The collections of the estate, after defraying the expenses of management, and any other expenses with which the estate is chargeable, shall be applied to the payment of the Government revenue, and the residue shall be divided amongst the proprietors in proportion to their respective shares, at such periods as the Collector may see fit.

**XXVIII.** If an arrear of public revenue shall accrue on an estate ordered to be divided, while the partition of the estate is being made, any one or more of the proprietors may tender to the Collector his or their quota of the balance, and the Collector shall receive the same, and credit the amount to the share or shares of such proprietor or proprietors. If a sale of any part of the estate shall ultimately become necessary for the liquidation of any part of such arrear which may remain due, only the share or shares of the proprietor or proprietors who shall not have contributed their quota of the balance shall be sold in the first instance, and the partition shall go on and be completed in the same manner as if no arrear of public revenue had accrued. The purchaser or purchasers of the share or shares sold shall be entitled to separate possession of the estate or estates which, under the partition, would have been allotted to the defaulting proprietor or proprietors. Provided always that, in all cases of a partition, the entire estate shall be considered responsible for the public revenue assessed upon it until the partition shall have been completed, and the several proprietors shall have been put into possession of the separate estates into which the estate may be ordered to be divided, according as the same may be allotted to them.

**XXIX.** If the Officer appointed to make the partition shall consider it necessary to assist him in making the same, to cause a detailed measurement to be made of all the lands comprised in the estate, or a map of the estate to be prepared, he shall exercise the same powers for making such measurement and map as are vested in the Collector by any law for the time being in force.

**XXX.** When some of the lands forming the estate are held in common, the Collector shall declare, by a proceeding to be held under the provisions of this Act, the principle and rule under which, in accordance with the village custom, such lands shall be divided; and he shall cause the partition of such lands to be made in conformity to the provisions of this Act. The portion of the common land falling by such partition to the shares of the several co-sharers shall be added to the lands held by them in severalty, and the several estates thus formed shall be assessed and declared separate estates. Provided that it shall be in the discretion of the

**Proviso.** Collector, to cause any transfer of lands agreed to by the parties to be made previous to such declaration, and the new estate shall be declared subject to the transfer so made.

**XXXI.** The Collector may refuse to declare any lands held in severalty, and not liable to re-distribution according to special village custom, a separate mehal, if the lands be so intermixed with other properties as to

render the formation of a compact estate impossible, and if the parties affected by the partition decline to permit of the transfers necessary for curing such defect.

**XXXII.** Where there may be no lands held in common, the lands in severalty held by the applicant for partition, or assigned to him by the Collector under the provisions of this Act, shall be assessed and declared a separate estate. Provided that it shall be in the discretion of the Collector, to cause any transfer of lands agreed to, or directed by his order, as provided in Section XXX, to be made previous to such declaration, and the new estate shall be declared subject to the transfer so made.

**Proviso as to transfers.** If any sharer, after the issue of the proclamation mentioned in Section XXVI of this Act, shall fail to attend the Officer appointed to make the partition, during the time the partition is being made, no objection taken by such sharer to the partition shall be heard, unless such sharer can shew that his absence was not wilful, or unless for any good and sufficient reason it shall appear just and proper to allow him to be heard against the partition.

**XXXIII.** If any sharer, after the issue of the proclamation mentioned in Section XXVI of this Act, shall fail to attend the Officer appointed to make the partition, during the time the partition is being made, no objection taken by such sharer to the partition shall be heard, unless such sharer can shew that his absence was not wilful, or unless for any good and sufficient reason it shall appear just and proper to allow him to be heard against the partition.

**XXXIV.** If, at any time after an order shall have been passed for making a partition, it shall appear, either from the report of the Officer appointed to make the partition, or from any other information, that the parties are not desirous that the partition should proceed, it shall be competent to the Collector, with the sanction of the Commissioner, to stop the partition, and to strike the case off the file, recovering from the sharers all costs and expenses incurred up to that time.

**XXXV.** It shall be the duty of the Officer appointed to make the partition, so far as circumstances will admit, to take care that the estates into which the estate is divided shall consist of contiguous mehals or villages. Provided that if the estate ordered to be divided shall not consist of a sufficient number of villages to admit of one or more entire village or villages being included in each estate, the partition of the village or villages of which the estate shall consist shall be made so as to render each estate as compact as possible.

**XXXVI.** The public revenue shall be assessed on each estate into which the property shall be ordered to be divided, in conformity to the rules contained in any law for the time being in force.

**XXXVII.** In selecting the villages or lands to be included in each separate estate, the advantages or disadvantages arising from situation, the vicinity of roads, railways, navigable rivers, or canals, the nature and quality of the soil and produce, the quantity of cultivable and uncultivable waste land, the depth at which water may be procurable, the number of tanks and wells, the state of the embankments and water-courses, and any other local circumstances affecting the present, or likely to influence the future value of

**Revenue to be assessed on each divided estate.** Estates formed in course of partition to be as compact as possible.



the lands, shall be duly considered, and the villages or lands to be included in each estate shall be fairly and impartially selected. So far as may be practicable and consistent with compactness of partition, lands held in severalty shall be left in the possession of the parties holding the same.

**XXXVIII.** If a dwelling house belonging to one sharer shall be situate on any land, or in any village, which it may be necessary to include in the share of another sharer, the proprietor of such house shall be at liberty to retain it, with the offices, buildings, and grounds immediately attached thereto, upon agreeing to pay to the proprietor of the land or village in which the same is situate an equitable rent for the ground. The limits of the ground and the rent to be paid for it shall be fixed by the Officer making the partition, and shall be stated in the paper of partition.

**XXXIX.** Tanks, wells, water-courses, and embankments shall be considered as attached to the land for the benefit of which they were originally made. In cases in which, from the extent, situation, or construction of such works, it shall be found necessary to continue them the joint property of the proprietors of two or more of the estates into which the estate may be divided, the paper of partition shall specify, as far as circumstances may admit, the extent to which the proprietors of each of such estates may make use of the same, and the proportion of the charges for repairs to be borne by them respectively.

**XL.** Places of worship, which shall have been held in common previous to the partition of an estate, shall continue to be so held unless the parties shall otherwise agree amongst themselves, in which case they shall state in writing the agreement into which they have entered, and the Officer making the partition shall enter a note of the agreement in the paper of partition.

**XLI.** When the Officer appointed to make the partition shall have completed the partition, and allotted the public revenue on each of the estates into which it is proposed that the estate shall be divided, he shall prepare and submit to the Collector a paper of partition shewing how he proposes to divide the estate, and to apportion the public revenue. This paper shall specify the names of the Mehals or villages included in each separate estate, the gross produce of each Mehal and village for the three years immediately preceding the year in which the partition is ordered to be made, the names of the parties to whom the several estates are allotted, and the proportion of the public revenue proposed to be assessed on each of such estates, with any remarks regarding the mode observed in selecting the lands included in each estate, and the accounts upon which the apportionment of the public revenue assessed thereon shall have been based, as may be necessary for the information of the Collector. The paper shall further contain a detail of the adjustments, if any, which shall have been made in respect to any tanks, places of worship, or other matters, as specified in

the preceding Sections. The Officer appointed to make the partition shall also submit a map shewing the several estate into which the estate is proposed to be divided.

**XLII.** The Collector shall take into consideration the partition proposed by the Officer appointed to make the partition, and, after calling for any further information which he shall deem necessary, and disposing of any objections which shall be taken to the partition and allotment of public revenue as proposed by such Officer, he shall submit a report to the Commissioner, together with such of the papers of the case as shall appear to him essential. He shall also forward a list of the papers not sent. The Collector shall record his opinion whether the proposed partition should be confirmed or modified, and in the latter case he shall state the nature of the modification which, in his opinion, should be made.

**XLIII.** The Commissioner shall either uphold the partition proposed by the Collector, or modify the same. The decision of the Commissioner shall not be open to revision by the Civil Court, but shall be subject to appeal to the Board of Revenue. The Commissioner, before coming to a decision, may call for any additional papers, or direct any further inquiry that he shall consider necessary. He may also, if he think proper, direct that

And may direct when two or more of the division by lot under estates into which it is proposed to divide the estate shall consist of the same proportions of the entire estate, the parties entitled thereto shall draw lots for the same before the Collector.

**XLIV.** On the receipt of the order of the Commissioner, or if an appeal be preferred to the Board of Revenue, then, of the order passed on the appeal, the Collector shall cause the same to be published in his Office, and in some conspicuous place in each of the estates separately constituted by such order. The Collector shall at the same time specify the date from which each of the estates shall be held to be a separate estate, and shall enter the several estates into which the estate has been divided in the Register of Estates paying revenue to Government. The Collector shall give the several proprietors possession of the estates allotted to them, and, if necessary, may avail himself of the assistance of the Magistrate in giving possession.

**XLV.** In order to prevent collusion or error in the distribution of the public revenue assessed upon an estate which may be ordered to be divided into two or more distinct estates, if it shall be proved to the satisfaction of the Government, within twelve years from and after the date of confirmation of the partition, that the public revenue was fraudulently or erroneously apportioned at the time of the partition, the Government shall have power to order a new allotment of the public revenue upon the several estates into which such estate may have been divided, conformably to the principles

prescribed in this Act, on an estimate of the gross produce of each estate at the time of the partition, to be made agreeably to the best evidence and information which may be procurable respecting the same. Such order shall not be liable to be contested in the Civil Court. The parties whose estates may be declared to have been under-assessed shall be required to pay to the proprietors of the estates which shall have been over-assessed the sum in which they shall be found to have been over-assessed, and in default of payment the amount shall be leviable by the process prescribed for the recovery of arrears of rent or revenue.

**XLVI.** If, during the time an estate is under attachment with a view to the partition of the same, any party shall neglect or omit to claim by a suit any right or title he may then have to the ownership or occupancy at a fixed rent of any land situated in such estate, or any other interest therein, such neglect or omission shall be a valid plea in bar of any suit relating to such right, title, or interest, unless the party can satisfy the Court that there was good and sufficient reason for his neglect or omission to institute the suit at or before such time. Provided that this Section shall not bar any action for arrears of rent, or the enhancement or alteration of rent.

**XLVII.** Whenever any Court of Civil Judicature shall pass a decree, awarding to any person the proprietary right in a portion of an estate paying revenue to Government, whether the portion so awarded shall consist of a fractional share in the whole or a part of the estate, or of specific lands, the decree-holder may apply to the Collector for a partition of the estate; and on the receipt of such application, the Collector shall proceed thereupon under the provisions of this Act, which are hereby declared applicable to such applications.

**XLVIII.** If two or more estates which may have originally formed portions of the same estate shall come into the possession of one person, such person shall be entitled to have such estates united, and to hold them as a single estate; or if two or more persons shall have separate possession of their respective shares of an estate which was originally held as a joint undivided estate, such persons may apply to have their shares united, and to hold them as one estate.

**XLIX.** The applications for the union of the estates, or of the shares of the estate, as the case may be, shall be made in writing to the Collector of the District in which the estates or shares of the estate are situate, and the Collector (provided he see no objection) shall comply with the application, and cause the necessary entries to be made in the records of his Office, reporting the case to the superior Revenue Authorities.

**L.** The provisions of this Act, so far as they relate to the completion and confirmation or to the staying or quashing of the partition of an estate, may be applied, at the discretion of the Collector, in all cases of the partition of estates pending at the time of the passing of this Act.

**LI.** The provisions of this Act may, in so far as the same are applicable, be applied by order of the local Government to the partition of any estate held free from the payment of Government revenue.

**LII.** In the performance of his duties under this Act, the Collector shall be subject to the general direction and control of the Commissioner of the Division, and the Board of Revenue.

**LIII.** All orders passed by a Collector under this Act, unless otherwise provided, not being orders or decisions within the meaning of Section IX, shall be open to revision by the superior Revenue Authorities.

**LIV.** The powers vested in a Collector by this Act may be exercised by a Deputy Collector, or other Officer vested with the full powers of a Collector, subject to the control of the Collector of the District.

**LV.** In carrying out the provisions of this Act the Collector shall exercise the powers described in Regulation II. 1819, Regulation VII. 1822, and Regulations IX. and XIV. 1825. Any Officer appointed to make a partition under this Act may also exercise the powers described in the foregoing Regulations, so far as the same may be applicable.

**LVI.** If, in any case in which a Collector or other Officer shall exercise jurisdiction under this Act, any person is guilty of the offence of giving or fabricating false evidence, or of forgery, as defined in the Indian Penal Code, or of abetting any of those offences, such Collector or other Officer shall have the same powers in respect of such offence, and of the person charged with committing the same, as are vested by the Code of Criminal Procedure in a Civil Court when any such offence is committed before or against such Court, or when a document charged to be a forgery is given in evidence in any proceedings in such Court.

**LVII.** In the execution of the duties vested in the Board of Revenue by this Act, the Board shall be guided by such orders or instructions as they may from time to time receive from the local Government, to whom they shall apply in all cases which shall appear to the Board not to have been provided for by the existing law.



LVIII. Unless there be something in the subject or context repugnant to such construction, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females.

LIX. This Act shall extend only to such parts of the North-Western Provinces of the Presidency of Fort William in Bengal as are subject to the general Regulations of that Presidency; but the Act may be extended by order of the local Government, either wholly or in part, to any Non-Regulation Province under such Government.

M. WYLIE,  
Deputy Secy. to the Govt. of India,  
Home Department.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th March 1863, and is hereby promulgated for general information :—

Act No. XX of 1863.

*An Act to enable the Government to divest itself of the management of Religious Endowments.*

WHEREAS it is expedient to relieve the Boards of Revenue, and the Local Agents in the Presidency of Fort William in Bengal, and the Presidency of Fort St. George, from the duties imposed on them by Regulation XIX. 1810 of the Bengal Code (for the due appropriation of the Rents and produce of Lands granted for the support of Mosques, Hindoo Temples, Colleges, and other purposes; for the maintenance and repair of Bridges, Serays, Kuttras, and other public buildings; and for the custody and disposal of Nuzzool Property or Escheats), and Regulation VII. 1817 of the Madras Code (for the due appropriation of the rents and produce of lands granted for the support of Mosques, Hindoo Temples, and Colleges, or other public purposes; for the maintenance and repair of Bridges, Choultries, or Chuttrums, and other public buildings; and for the custody and disposal of Escheats), so far as those duties embrace the superintendence of lands granted for the support of Mosques or Hindoo Temples, and for other religious uses, the appropriation of endowments made for the maintenance of such religious establishments, the repair and preservation of buildings connected therewith, and the appointment of Trustees or Managers thereof, or involve any connexion with the management of such religious establishments; and whereas it is expedient for that purpose to repeal so much of Regulation XIX. 1810 of the Bengal Code, and Regulation VII. 1817 of the Madras Code, as relate to endowments for the support of Mosques, Hindoo Temples, or other religious purposes; It is enacted as follows:—

1. So much of Regulation XIX. 1810 of the Bengal Code, and so much of Regulation VII. 1817 of the Madras Code, as relate to endowments for the support of Mosques, Hindoo Temples, or other religious purposes, are repealed.

II. In this Act words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Gender. Words importing the masculine gender shall include females.

The words "Civil Court" and "Court" shall mean the principal Court of Original Civil Jurisdiction in the District in which the Mosque, Temple, or religious establishment is situate, relating to which, or to the endowment whereof, any suit shall be instituted or application made under the provisions of this Act.

III. In the case of every Mosque, Temple, or other religious establishment to which the provisions of either of the Regulations specified in Section I are applicable, and the nomination of the Trustee, Manager, or Superintendent whereof at the time of the passing of this Act is vested in, or may be exercised by, the Government, or any public Officer; or in which the nomination of such Trustee, Manager, or Superintendent shall be subject to the confirmation of the Government, or any public Officer, the local Government shall, as soon as possible after the passing of this Act, make special provision as hereinafter provided.

IV. In the case of every such Mosque, Temple, or other religious establishment which, at the time of the passing of this Act, shall be under the management of any Trustee, Manager, or Superintendent whose nomination shall not vest in, nor be exercised by, nor be subject to the confirmation of, the Government, or any public Officer, the local Government shall, as soon as possible after the passing of this Act, transfer to such Trustee, Manager, or Superintendent all the landed or other property which, at the time of the passing of this Act, shall be under the superintendence or in the possession of the Board of Revenue, or any local Agent, and belonging to such Mosque, Temple, or other religious establishment, except such property as is hereinafter provided, and the powers and responsibilities of the Board of Revenue and the local Agents in respect to such Mosque, Temple, or other religious establishment, and to all land and other property so transferred, except as regards acts done and liabilities incurred by the said Board of Revenue or any local Agent previous to such transfer, shall cease and determine.

V. Whenever from any cause a vacancy shall occur in the office of any Trustee, Manager, or Superintendent to whom any property shall have been transferred under the last preceding Section, and any dispute shall arise respecting the right of succession to such office, it shall be lawful for any person interested in the Mosque, Temple, or religious establishment to which such property shall belong, or in the performance of the worship or of the service thereof, or of the Trusts relating thereto, to apply to the Civil Court to appoint a Manager of such Mosque, Temple, or other religious establishment, and thereupon such Court may appoint such Manager to act until some other

person shall by suit have established his right of succession to such office. The Manager so appointed by the Civil Court shall have, and shall exercise all the powers which, under this or any other Act, the former Trustee, Manager or Superintendent in whose place such Manager is appointed by the Court had, or could exercise, in relation to such Mosque, Temple, or religious establishment, or the property belonging thereto.

VI. The rights, powers and responsibilities of every Trustee, Manager, or Superintendent to whom the land and other property of any Mosque, Temple, or other religious establishment is transferred in the manner prescribed in Section IV of this Act, as well as the conditions of their appointment, election, and removal, shall be the same as if this Act had not been passed, except in respect of the liability to be sued under this Act, and except in respect of the authority of the Board of Revenue and local Agents, given by the Regulations hereby repealed, over such Mosque, Temple, or religious establishment, and over such Trustee, Manager, or Superintendent, which authority is hereby determined and repealed. All the powers which might be exercised by any Board or local Agent for the recovery of the rent of land or other property transferred under the said Section IV of this Act may, from the date of such transfer, be exercised by any Trustee, Manager, or Superintendent to whom such transfer is made.

VII. In all cases described in Section III of this Act, the local Government shall once for all appoint one or more Committees in every Division or District to take the place, and to exercise the powers, of the Board of Revenue and the local Agents, under the Regulations hereby repealed. Such Committee shall consist of three or more persons, and shall perform all the duties imposed on such Board and local Agents, except in respect of any property which is specially provided for under Section XXI of this Act.

VIII. The Members of the said Committee shall be appointed from among persons professing the religion for the purposes of which the Mosque, Temple, or other religious establishment was founded, or is now maintained, and in accordance, so far as can be ascertained, with the general wishes of those who are interested in the maintenance of such Mosque, Temple, or other religious establishment. The appointment of the Committee shall be notified in the Official Gazette. In order to ascertain the general wishes of such persons in respect of such appointment, the local Government may cause an election to be held under such Rules (not inconsistent with the provisions of this Act) as shall be framed by such local Government.

IX. Every Member of a Committee appointed as above shall hold his office for life, unless removed for misconduct or unfitness, and no such Member shall be removed except by an order of the Civil Court as hereinafter provided.

X. Whenever any vacancy shall occur among the Members of a Committee appointed as above, a new Member shall be elected to fill the vacancy by the persons interested as above provided. The remaining Members of the Committee shall, as soon as possible, give public notice of such vacancy, and shall fix a day which shall not be later than three months from the date of such vacancy, for an election of a new Member by the persons interested as above provided, under Rules for elections which shall be framed by the local Government; and whoever shall be then elected under the said Rules shall be a Member of the Committee to fill such vacancy. If any vacancy as aforesaid shall not be filled up by such election as aforesaid within three months after it has occurred, the Civil Court, on the application of any person whatever, may appoint a person to fill the vacancy, or may order that the vacancy be forthwith filled up by the remaining Members of the Committee, with which order it shall then be the duty of such remaining Members to comply, and if this order be not complied with, the Civil Court may appoint a Member to fill the said vacancy.

XI. No Member of a Committee appointed under this Act shall be capable of being or shall act also as a Trustee, Manager or Superintendent of the Mosque, Temple or other religious establishment for the management of which such Committee shall have been appointed.

XII. Immediately on the appointment of a Committee as above provided, for the superintendence of any such Mosque, Temple, or religious establishment, and for the management of its affairs, the Board of Revenue, or the local Agents acting under the authority of the said Board, shall transfer to such Committee all landed or other property which, at the time of appointment, shall be under the superintendence or in the possession of the said Board or local Agents, and belonging to the said religious establishment, except as is hereinafter provided for, and thereupon the powers and responsibilities of the Board and the local Agents in respect to such Mosque, Temple, or religious establishment, and to all land and other property so transferred except as above, and except as regards acts done and liabilities incurred by the said Board or Agents previous to such transfer, shall cease and determine. All the powers which might be exercised by any Board or local Agent for the recovery of the rent of land or other property transferred under this Section may from the date of such transfer be exercised by such Committee to whom such transfer is made.

XIII. It shall be the duty of every Trustee, Manager, and Superintendent of a Mosque, Temple or religious establishment to which the provisions of this Act shall apply, to keep regular accounts of his receipts and disbursements in respect of the endowments and expenses of such Mosque, Temple or other religious establishment, and it shall be the duty of every Committee of management appointed or acting under the authority of this Act, to require



from every Trustee, Manager and Superintendent of such Mosque, Temple or other religious establishment, the production of such regular accounts of such receipts and disbursements at least once in every year, and every such Committee of management shall themselves keep such accounts thereof

XIV. Any person or persons interested in any Mosque, Temple, or religious establishment, or in the performance of the worship or of the service thereof, or of the trusts relating thereto may, without joining as plaintiff any of the other persons interested therein, sue before the Civil Court the Trustee, Manager, or Superintendent of such Mosque, Temple, or religious establishment, or the Member of any Committee appointed under this Act, for any misfeasance, breach of trust, or neglect of duty committed by such Trustee, Manager, Superintendent or Member of such Committee, in respect of the trusts vested in or confided to them respectively, and the Civil Court may direct the specific performance of any act by such Trustee, Manager, Superintendent or Member of a Committee, and may decree damages and costs against such Trustee, Manager, Superintendent, or Member of a Committee, and may also direct the removal of such Trustee, Manager, Superintendent or Member of a Committee.

XV. The interest required in order to entitle a person to sue under the last preceding Section need not be a pecuniary, or a direct or immediate interest, or such an interest as would entitle the person suing to take any part in the management or superintendence of the trusts. Any person having a right of attendance, or having been in the habit of attending at the performance of the worship or service of any Mosque, Temple, or religious establishment, or of partaking in the benefit of any distribution of alms, shall be deemed to be a person interested within the meaning of the last preceding Section.

XVI. In any suit or proceeding instituted under this Act it shall be lawful for the Court before which such suit or proceeding is pending, to order any matter in difference in such suit to be referred for decision to one or more arbitrators. Whenever any such order shall be made the provisions of Chap. VI of the Code of Civil Procedure shall in all respects apply to such order and arbitration, in the same manner as if such order had been made on the application of the parties under Section 312 of the said Code.

XVII. Nothing in the last preceding Section shall prevent the parties from applying to the Court, or the Court from making the order of reference under the said Section 312 of the said Code of Civil Procedure.

XVIII. No suit shall be entertained under this Act without a preliminary application being first made to the Court for leave to institute such suit. The application may be made upon unstamped paper. The Court, on the perusal of the application, shall determine whether there are sufficient *prima facie* grounds for the institution of a suit, and if in the judgment

of the Court there are such grounds, leave shall be given for its institution. In calculating the costs at the termination of the suit, the Stamp Duty on the preliminary application shall be estimated, and shall be added to the costs of the suit. If the Court shall be of opinion that the suit has been for the benefit of the Trust, and that no party to the suit is in fault, the Court may order the costs, or such portion as it may consider just, to be paid out of the estate.

XIX. Before giving leave for institution of a suit, or after leave has been given, before any proceeding is taken, or at any time when the suit is pending, the Court may order the Trustee, Manager, or Superintendent, or any Member of a Committee, as the case may be, to file in Court the accounts of the Trust or such part thereof as to the Court may seem necessary.

XX. No suit or proceeding before any Civil Court under the last preceding Section shall in any way affect or interfere with any proceeding in a Criminal Court for Criminal breach of trust.

XXI. In any case in which any land or other property has been granted for the support of an establishment partly of a religious and partly of a secular character, or in which the endowment made for the support of an establishment is appropriated partly to religious and partly to secular uses, the Board of Revenue, before transferring to any Trustee, Manager, or Superintendent, or to any Committee of Management appointed under this Act, shall determine what portion, if any, of the said land or other property shall remain under the superintendence of the said Board for application to secular uses, and what portion shall be transferred to the superintendence of the Trustee, Manager, or Superintendent, or of the Committee, and also what annual amount, if any, shall be charged on the land or other property which may be so transferred to the superintendence of the said Trustee, Manager, or Superintendent, or of the Committee, and made payable to the said Board or to the Local Agents for secular uses as aforesaid. In every such case the provisions of this Act shall take effect only in respect to such land and other property as may be so transferred.

XXII. Except as provided in this Act it shall not be lawful, after the passing of this Act, for any Government in India, or for any Officer of any Government in his official character to undertake or resume the superintendence of any land or other property granted for the support of, or otherwise belonging to, any Mosque, Temple, or other religious establishment, or to take any part in the management or appropriation of any endowment made for the maintenance of any such Mosque, Temple, or other establishment, or to nominate or appoint any Trustee, Manager, or Superintendent thereof, or to be in any way concerned therewith.

XXIII. Nothing in this Act shall be held to affect the provisions of the Regulations mentioned in this Act, except in so far as they relate to Mosques, Hindoo Temples, and other religious establishments; or to prevent the Government from taking such steps as it may deem necessary under the provisions of the said Regulations, to prevent injury to, and preserve buildings remarkable for their antiquity, or for their historical or architectural value, or required for the convenience of the public.

XXIV. The word "India" in this Act shall denote the territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic., C. 103, entitled "an Act for the better Government of India."

M. WYLIE,

*Depy. Secy. to the Govt. of India,  
Home Department.*

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th March 1863, and is hereby promulgated for general information:—

ACT No. XXI OF 1863

*An Act to constitute Recorders' Courts for the Towns of Akyab, Rangoon, and Moulmein in British Burmah, and to establish Courts of Small Causes in the said Towns.*

WHEREAS the Resolution of the Governor-General in Council, dated the 31st January 1862, declares that instead of a Judicial Commissioner for the whole Province of British Burmah, whose ordinary business can well be undertaken by the Chief Commissioner, and who, as Judge of a Special Court, sitting at the Head-Quarters of each Division, could not possibly dispose of the causes arising at each place in a manner that would satisfy the suitors, or be consistent with the prompt and regular administration of Justice, there shall be established at Rangoon and Moulmein a Court to be presided over by a Barrister or Advocate of not less than five years' standing, with full powers of Civil and Criminal jurisdiction, analogous to those now exercised by the Recorders of Prince of Wales' Island and Singapore, with the exception of the power to try cases in which European British subjects are charged with capital offences; and whereas it is expedient to make provision for the establishment of such Court, and of a similar Court for the Town of Akyab, and also for the establishment of a Court of Small Causes in each of the said Towns of Akyab, Rangoon, and Moulmein, and to prescribe the procedure for the said Courts, respectively; It is enacted as follows:—

I. It shall be lawful for the Governor-General in Council to establish Courts of Judicature for the Towns of Akyab, Rangoon, and Moulmein in British Burmah, or for any of the said Towns, which Courts, when so established, shall be called, respectively,

the "Court of the Recorder of Akyab," the "Court of the Recorder of Rangoon," and the "Court of the Recorder of Moulmein." Such Courts shall be Courts of Record.

II. The said Courts, respectively, shall be held before a Judge who shall be called "The Recorder" of such thereof, and who shall be appointed by the Governor-General in Council, and shall be a Barrister of not less than five years' standing. Every Recorder appointed under this Act shall hold his Office during the pleasure of the Governor-General in Council.

III. Previously to entering upon the execution of the duties of his Office, every Recorder appointed under this Act shall make or subscribe the following declaration before such authority or person as the Governor-General in Council may commission to receive the same:—

"I, A. B. appointed Recorder of [ ] do solemnly declare that I will faithfully perform the duties of my Office to the best of my ability, knowledge, and judgment."

IV. The Governor-General in Council may appoint only one Recorder to be the Recorder of the said three Courts, or he may from time to time appoint a separate Recorder for any one or for any two of the said Courts.

V. So long as there shall be only one Recorder of the said three Courts, such Recorder shall hold his Court at each of the said three Towns of Akyab, Rangoon, and Moulmein at stated periods. He shall hold his Court in Rangoon at such times as may be necessary, in Moulmein at least once in every three months, and in Akyab at least once in every four months.

VI. The Recorder shall, on or before the 1st day of January in each and every year, or at such other convenient times as the Chief Commissioner of British Burmah shall direct, notify in the Official Gazette of the Towns in which the Court is to be held, the days on which he intends to hold his Court at the said Towns, respectively, during the then next ensuing twelve months; and a copy of such Notification shall be stuck up in a conspicuous part of the Court Houses in the said Towns respectively.

VII. If the Recorder shall be unable to hold his Court at the time and place fixed in any Notification issued under the last preceding Section, he shall fix another period for holding his Court at such place, and shall publish notice of the same in the same manner, so far as circumstances will permit, in which a Notification under the said Section is directed to be published.

VIII. Notwithstanding any thing in Sections VI and VII of this Act contained, it shall be lawful for the Recorder to hold his Court at times other than those notified, as provided in the said Sections, when for any good and sufficient reason it shall appear to him necessary and proper to do so.



IX. Whenever there shall be one Recorder for any two only of the said three Courts, the provisions contained in Sections VI, VII, and VIII of this Act shall be applied, so far as the same may be applicable, in respect of the sittings to be held by such Recorder within the Towns of the Courts of which he is Recorder.

X. The Recorders appointed under this Act shall have and exercise Civil jurisdiction, within such local limits in the said Towns of which they are respectively the Recorders and in the neighbourhood thereof as may from time to time be fixed by the Chief Commissioner of British Burmah, with the approval of the Governor-General in Council, and the limits so fixed shall be published in the Official Gazettes of the said Towns. Provided that it shall

be lawful for the said Chief Commissioner, with such approval as aforesaid, as often as he shall think proper, to vary or alter the limits so fixed: and, save as in this Act provided, no Court other than the Recorder's Court shall have to exercise any Civil jurisdiction whatever within the limits for the time being fixed as aforesaid.

XI. The Recorders appointed under this Act shall receive, try, and determine suits of every description if in the case of suits for land or other immoveable property, such land or property shall be situate, or if in all other cases, the cause of action shall have arisen, or the defendant at the time of the commencement of the suit shall dwell or carry on business, or personally work for gain, within the local limits of the ordinary jurisdiction of their respective Courts. Provided that the Recorders shall not take cognizance of

any suit, the cognizance of which, by the ordinary Civil Courts in British India not established by Royal Charter, is barred by any Act of Parliament or by any Regulation or Act of the Governor-General of India in Council.

XII. It shall be lawful for the Chief Commissioner to direct the transfer to any Recorder's Court of any case which shall have been instituted in any Court in British Burmah other than a Recorder's Court. Every case so transferred shall be tried and determined by the Recorder to whose Court it is transferred, in the same manner and under the same rules as to procedure, and in all other respects, as if the Recorder had originally had jurisdiction in the case, and the case had originally been instituted before him.

XIII. A Recorder, who is the Recorder of more Courts than one, shall, while sitting in any one of the Courts of which he is Recorder, ordinarily try no suits except such as shall have been instituted in such Court, or shall have been transferred to it by the Chief Commissioner as hereinbefore provided; but such Recorder may, if he think proper, try any suit instituted in any other of the said Courts of which he is Recorder, if the parties thereto shall join in an application to him (which shall be in writing, signed by

all the parties to the suit or their Agents) so to try the same.

XIV. A separate seal shall be made under the direction of the Governor-General in Council for each of the said Courts, and all summonses, orders and other process issuing out of the said Courts, respectively, shall be sealed or stamped with the seal of the Court issuing the same. The said seal shall be delivered to and kept in the custody of the Recorder, but during any absence of the Recorder, or in case of the vacancy of the Office of Recorder the same shall be delivered to and kept in the custody of the Registrar of the Court appointed as is hereinafter provided, and if there be no Registrar then it shall be delivered to and kept in the custody of the Deputy Commissioner.

XV. It shall be lawful for the Recorder of any Court or Courts established under this Act, from time to time, and subject to any rules and restrictions which may be prescribed by the Governor-General in Council, to appoint such and so many Clerks and other Ministerial Officers as shall be found necessary for the administration of justice by the said Recorder in such Court or Courts, respectively, and the due execution of the powers and authorities given to him by this Act, and every Clerk and Officer appointed as aforesaid shall be liable to dismissal by order of the Recorder of the Court to which he is appointed: provided that no person shall be removed from any Office, the salary of which is one hundred Rupees per mensem or upwards, without the sanction of the Chief Commissioner.

XVI. No person shall be permitted to appear or act as the Advocate of any suitor in any Court held under this Act in any action or suit, or touching any matter whatever, unless such persons shall have been previously licensed by the Recorder of such Court to act for the suitors of such Court, generally, or specially for the particular occasion, and it shall be lawful for the Recorder of every Court held under this Act to make rules for the qualifications and admission of proper persons to act as Advocates in such Court. Provided that nothing

in this Section contained shall be deemed to prevent any person from appearing or acting as the Agent for the Secretary of State for India in Council, or to prevent any suitor from appearing, pleading, or acting on his own behalf, or on behalf of a co-sutor. Provided also that

any person who for the time being is an Advocate, Vakeel, or Attorney-at-Law of any of the High Courts of Judicature in India shall be entitled without any license to act as an Advocate for any suitor in any of the said Courts, and that any person for the time being licensed to act generally in any one of the said Courts, shall without further license be also entitled to act generally in any other of the said Courts.

XVII. The Recorder of any Court may for any sufficient reason withdraw or vacate any license which shall at any time be granted by such Recorder to any person to act generally or specially as an Advocate under this Act.

**XVIII.** The fees to be received by any Advocate, whether general or special, licensed under this Act, or entitled to act as an Advocate for another person in any of the said Courts, without a license under Section XVI of this Act, shall at all times be subject to the control and taxation of the Recorder of the Court having jurisdiction in the case in respect of which such fees are payable, and no fees shall be recoverable by any Advocates except such fees as shall have been allowed by the Recorder on taxation.

**XIX.** It shall be lawful for the Recorder of any Court or Courts established under this Act to make and issue rules to regulate the service and execution of the processes of the Court or Courts within the territorial limits of his jurisdiction, and also to settle a table of fees to be allowed to the persons employed in such service or execution, and from time to time to alter any such rule or table, and the rules so made and the tables so issued shall be used and observed in the said Court or Courts; provided that such rules and tables be not inconsistent with the provisions of any law in force, and shall, before they are issued, have received the sanction of the Chief Commissioner. All such rules and tables shall be published in the Official Gazettes of the said Towns, and shall thenceforth have the force of law until repealed or over-ruled by any Act of the Legislature, or by any rule or table subsequently issued and published with the sanction and in the manner aforesaid.

**XX.** Save as in this Act otherwise provided, the proceedings in Civil suits of every description between party and party brought in any Court established under this Act, shall be regulated by Act VIII of 1859, (the Code of Civil Procedure) as amended by Act XXIII of 1861, and by any other Act or Acts that may hereafter be passed for that purpose.

**XXI.** In all suits cognizable by any Court held under this Act, all questions as well of fact as of law or equity shall be dealt with and determined according to the law administered by the High Court of Judicature at Fort William in Bengal in the exercise of its ordinary original Civil jurisdiction. Provided that this Section shall not apply to any case heard and determined by any Court held under this Act in which a Native of British India is a defendant, and in which any question relating to marriage, inheritance or succession shall be involved; but every such case in so far as such question is concerned, shall be determined by the law or usage which would have been applied thereto if such question had arisen in any other Court in British Burmah than a Court held under this Act.

**XXII.** If in any suit, any question of law or usage having the force of law, or the construction of a document affecting the merits of the decision, shall arise, on which the Recorder shall entertain any doubt, the Recorder may either of his own motion or on the

application of either of the parties to the suit draw up a statement of the case, and submit such statement with his own opinion for the decision of the High Court of Judicature at Fort William in Bengal.

**XXIII.** The Recorder may proceed in the case, notwithstanding a reference to the said High Court, and may pass a decree contingent upon the opinion of the High Court on the point referred; but no execution shall be issued in any case in which a reference shall be made to the High Court until the receipt of the order of that Court.

**XXIV.** Cases referred for the opinion of the High Court shall be dealt with by a bench of two or more Judges of that Court.

**XXV.** The parties to the case may appear and be heard in the High Court in person or by an Advocate or Pleader, and the High Court when it has heard and considered the case, shall transmit a copy of its judgment under the seal of the Court, and the signature of the proper Officer of the Court, to the Recorder, who shall on the receipt thereof, proceed to dispose of the case conformably to the decision of the High Court.

**XXVI.** Costs, if any, consequent on the reference of a case for the opinion of the High Court, shall be costs in the suit.

**XXVII.** In all suits heard and determined by a Recorder under this Act, in which the amount or value of the suit shall exceed Rupees three thousand, and be less than Rupees ten thousand, an appeal shall lie to the High Court of Judicature at Fort William in Bengal subject to the rules contained in the said Code of Civil Procedure regarding regular appeals.

**XXVIII.** It shall be competent to the Recorder, if he shall think fit, to grant a new trial in any suit tried by him, if applied for within three months from the date of decision if the suit relate to any land or other immoveable property, and in all other cases if applied for within thirty days from the date of the decision. Provided that nothing hereinbefore contained shall interfere with the power of the Recorder to allow a review of judgment under the Code of Civil Procedure, if such review be applied for within the period allowed by the said Code for making such applications. Provided also that in any case in which the Recorder may think it necessary to do so, he may, before granting a new trial or a review, require the party applying for the same to give sufficient security for the due compliance with the terms of the decree or order which it is sought to set aside or review.

And review of judgment.



**XXIX.** All cases and proceedings arising under Act XIX of 1841 (for the protection of moveable and immovable property against wrongful possession in cases of successions), Act XXXV of 1858 (to make better provision for the care of the Estates of Lunatics not subject to the jurisdiction of the Supreme Courts of Judicature), Act XL of 1858 (for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal) as amended by Act IX of 1861 (to amend the law relating to Minors) or Act XXVII of 1860 (for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons) may be received and disposed of by the Recorder of any Court established under this Act, subject always to all the rules and provisions as to jurisdiction and otherwise in the said Acts contained, respectively.

Orders passed by the Recorder in cases arising under the said Acts shall not be open to appeal, but the parties shall be at liberty to contest such orders in a regular suit. No Court other than the Recorder's Court shall, within the local limits of the jurisdiction of such Recorder's Court, receive or deal with any case or proceeding arising under any of the Acts mentioned in this section.

And his orders in such cases not open to appeal.

No other Court to deal therewith, within the jurisdiction of Recorder.

XXX. For the trial of Civil suits under this Act, the Recorder may constitute one or more persons Assessor or Assessors of the Court. Such person or persons shall attend during the trial of the suit, and shall deliver his or their opinion or opinions in writing, to be recorded on the proceedings. But the decision of the case shall rest with the Recorder. No Officer of the Recorder's Court shall be appointed an Assessor under this Section, but this prohibition shall not extend to any other public Officer.

XXXI. It shall be lawful for the Governor-General in Council to appoint to each or any of the Recorder's Courts established under this Act, an Officer who shall be called the Registrar of the Court to which he shall be appointed.

XXXII. The Registrar of the Recorder's Court shall be the chief Ministerial Officer of the Court, and shall, subject to the provisions in the next following Section contained, receive all plaints presented to the Court, and in the absence of the Recorder shall issue notice of suit to the defendants, receive any documents which the parties may wish to put in, and issue process for the attendance of their witnesses: he shall also keep lists of all causes coming on for trial, and shall fix such days for their being heard, respectively, as may seem to him fit, having regard to the period appointed for the Recorder's sittings.

XXXIII. If the Registrar shall be of opinion that any plaint presented to the Court is defective in any of the particulars mentioned in Section 28, Section 29, Section 30, Section 31, or Section 32, of the Code of Civil Procedure, he shall not reject the plaint, but shall point out to the plaintiff

wherein the plaint is defective, and shall with as little delay as possible forward the plaint to the Recorder of the Court for his orders, together with any statement which the plaintiff may think proper to make, and such plaint shall be dealt with as the Recorder shall order. Provided

Proviso. always that if the defect in the plaint is capable of being cured under any of the said Sections, and the plaintiff shall be willing to amend it, it shall not be necessary for the Registrar to send the plaint to the Recorder, but such amendment may thereupon be made.

XXXIV. The Registrar shall also receive applications for the execution of decrees passed by the Recorder of the Court of which he is the Registrar, and subject to any orders which he may receive from the Recorder, shall execute such decrees in the same manner as the Recorder may execute them. No appeal shall lie from any order passed by the Registrar under this Section, but the Recorder may of his own motion reverse or modify any such order whenever he shall think it necessary to do so.

XXXV. The Registrar shall have the powers of a Small Cause Court Judge in suits of the nature of those described in Act XLII of 1860 (for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter) arising within the limits of the jurisdiction of the Court of which he is the Registrar, provided that the amount or value of the claim shall not exceed two hundred Rupees, but he shall exercise such powers subject to the general control of the Recorder. The Governor-General in Council may invest any Registrar appointed under this Act with jurisdiction to hear and determine suits of the nature cognizable by him as a Small Cause Court Judge under this Section, in which the amount or value of the claim does not exceed five hundred Rupees.

XXXVI. The suits cognizable by the Registrar under the last preceding Section shall be set down for hearing before such Registrar, and he shall hear and determine such suits and execute the decrees made therein in such manner as is prescribed in the said Act XLII of 1860, and subject to such rules as to procedure and otherwise in all respects as are in the said Act contained. Provided that the Recorder, whenever he thinks proper, may transfer to his own file any suits on the file of the Registrar, and may hear and determine the same subject to the rules as to procedure and otherwise hereinbefore mentioned.

XXXVII. No appeal shall lie from any order or decision made or passed by the Registrar in any case heard or disposed of by him under the last preceding Section, but in any case in which the Registrar shall entertain any doubt upon any question of law, or usage having the force of law, or the construction of a document affecting the merits

Transfer from Registrar's to Recorder's File.

No appeal from decision of Registrar under last Section; but in case of doubt, statement may be submitted for opinion of Recorder.

of the decision, he shall be at liberty to state a case for the opinion of the Recorder, in like manner as the Recorder may, under Section XXII of this Act, state a case for the opinion of the High Court of Judicature at Fort William in Bengal, and all the rules and provisions hereinbefore contained, relative to the stating

Rules applicable to such references.

of a case by the Recorder, shall apply *mutatis mutandis* to the stating of a case by the Registrar, so far as the same are applicable

XXXVIII. It shall be lawful for the Recorder to refer to the Registrar of his Court any suit, not falling within the description of suits contained in Act XLII of 1860, which shall be instituted in the Court of

Recorder may refer certain suits to Registrar—Rules respecting trial of same.

such Recorder, and the amount or value of the property in dispute in which shall not exceed one hundred Rupees. Every suit so referred to the Registrar shall be heard and determined, and the decree made shall be executed, by him, under the same rules as to procedure and otherwise as are applicable to suits tried by the Recorder. In such suits the Registrar shall have no power to state a case to the High Court or to the Recorder, but an appeal shall lie on questions of law and of fact, from the Registrar's decision to the Recorder, under the rules for regular appeals contained in the Code of Civil Procedure. The decision on the appeal shall be final, but the Recorder shall be at liberty

Reference to High Court.

to state a question of law, or usage having the force of law, or the construction of a document affecting the merits of the decision, for the opinion of the High Court in the same manner as in cases originally tried by himself.

XXXIX. In all suits heard and determined by a Recorder under this Act, Appeal to Her Majesty in Council in which the sum or matter in certain cases. at issue is Rupees ten thousand or upwards, or in which the judgment, decree, or order shall involve directly or indirectly any claim demand or question to or respecting property of the value of Rupees ten thousand or upwards, an appeal shall lie to Her Majesty in Council, subject to the rules and orders for the time being in force regarding appeals to Her Majesty in Council, from decisions of the High Court of Judicature at Fort William in Bengal in the exercise of its ordinary original Civil Jurisdiction.

XL. The Recorder shall exercise all the powers of a Court of Session as defined in the Code of Criminal Procedure, within the territorial limits of the Civil jurisdiction of the Court or Courts of which he is Recorder, and shall at the place or places where such Court or Courts are held, hold Gaol deliveries at convenient periods, of which due notice shall be given in the manner prescribed in Sections VI and VII of this Act, for the trial of all persons charged with offences punishable under the Indian Penal Code, who may be committed to take their trial before his Court as a Court of Sessions.

Proviso as to European British subjects charged with offences punishable with death.

Provided that the Recorder shall not have power to try any European British subject charged with an offence punishable with death under the said Code.

The commitment of any European British subject charged with any such offence shall be made to the High Court of Fort William in Bengal. In all other cases the commitments made within the limits of the jurisdiction of any Recorder's Court, for offences punishable under the Indian Penal Code, shall be made to that Court.

XLI. If any European British subject shall be charged in British Burmah with any offence (other than an offence punishable with death under the Indian Penal Code) which a Justice of the Peace shall not be competent to punish, and

Commitment and trial of such subjects when charged with offences other than those punishable with death.

there shall be sufficient grounds for committing him for trial, such European British subject shall be committed to take his trial before the Recorder, and shall be tried by the Recorder of the Court held within the Division of British Burmah in which either such European British subject shall have been arrested, or in which the offence with which he is charged shall have been committed, that is to say, before the Recorder at Rangoon if the arrest took place or the offence were committed in Pegu; before the Recorder at Akyab if the arrest took place or the offence were committed in Arracan; and before the Recorder at Moulmein if the arrest took place or the offence were committed in the Tenasserim Provinces.

XLII. The proceedings on trials held by the Recorder as a Court of Session under this Act shall be regulated by the Code of Criminal Procedure, and shall be subject to all the provisions of this Act in so far as the same may be found applicable.

XLIII. If on any trial sentence of death shall be passed by the Recorder, such sentence shall not be carried into execution until it shall have been confirmed by the Chief Commissioner. It shall be lawful for the Chief Commissioner, in any case in which it shall seem proper to him so to do, to commute a sentence of death to a sentence of transportation for life, or for any shorter period not less than seven years.

XLIV. No appeal shall lie from any order or sentence passed by the Recorder in any Criminal case. But it shall be at the discretion of the Recorder to reserve any point or points of law for the opinion of the said High Court.

XLV. On such point or points of law being so reserved, as in the last preceding Section mentioned, or on its being certified by the Advocate General at Fort William that, in his judgment, there is an error in the decision of a point or points of law decided by the Recorder, or that a point or points of law which has or have been decided by the said Recorder should be further considered, the said High Court shall have full power and authority to review the case, or such part of it as may be necessary, and finally determine such point or points of law, and thereupon to alter the sentence passed by the Recorder, and to pass such judgment and sentence as to the said High Court shall seem right.

Review of case and alteration of judgment by High Court.



**XLVI.** The Stamp Duties prescribed by Schedule B annexed to Act X of 1862 (to consolidate and amend the law relating to Stamp Duties) for Instruments and Writings in the Sudder Court shall be chargeable on Instruments and Writings in the Courts of the Recorders established under this Act, if the amount or value of the claim exceed one thousand Rupees, or if the case be an appeal. The foregoing limitation as to amount shall not extend to petitions of plaint. For such petitions whether the suit be tried by the Recorder or the Registrar of the Court, and for Certificates granted under Act XXVII of 1860 the duty prescribed by the said Schedule B shall be chargeable. For copies of decrees in suits in which the amount or value of the claim does not exceed one thousand Rupees, as well as for copies of judgments and orders, the same duty shall be chargeable as prescribed by the said Schedule B for copies of decrees, judgments, and orders passed or made by a Court below the Sudder Court. On Instruments and Writings in all other cases, as well in the Recorders' Courts, as in the Courts of the Registrars in cases cognizable by those Officers, on which a duty of eight annas is prescribed by the said Schedule B, the duty chargeable shall be eight annas.

**XLVII.** The Commissioner of the Division within which the said Town of Akyab, Rangoon, or Moulmein is situated, may sit with the Recorder in the trial or hearing of any Civil or Criminal case arising within the limits of his jurisdiction, and may record his opinion in any case in which he may so sit.

**XLVIII.** If there shall for the time being be no Recorder, or if the Recorder of any of the said Courts shall at any time from sickness or other cause be unable to attend to the duties of his Office, it shall be lawful for the Commissioner of the Town wherein such Court is situate to sit in such Court, and to exercise all the powers vested by this Act in the Recorder, but subject to all the rules, provisions, and limitations herein prescribed and declared. Provided that no Commissioner shall act as Recorder, or exercise any authority under this Section, without the sanction of the Chief Commissioner first obtained.

**XLIX.** The Recorder shall keep such Registers and Books and Accounts, and submit to the Chief Commissioner such Statements and Returns of the work done in his Court on the Civil and Criminal sides, as may be prescribed by the said Chief Commissioner with the approval of the Governor-General in Council. The Recorder shall also comply with such requisitions as may be made by the Governor-General in Council, or by the Chief Commissioner for records.

**L.** The word "Barrister" in this Act shall be deemed to include Barristers of England or Ireland, or Members of the Faculty of Advocates in Scotland, or Advocates of any High Court or

Colonial Supreme Court authorized by Royal Charter to admit Advocates.

M. WYLIE,  
Depy. Secy. to the Govt. of India,  
Home Department.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th March 1863, and is hereby promulgated for general information :—

ACT No. XXII OF 1863.

*An Act to provide for taking land for works of public utility to be constructed by private persons or Companies, and for regulating the construction and use of works on land so taken.*

WHEREAS it is expedient to enable the Government to take land for the construction of works of public utility by private persons or Companies; and whereas it is proper at the same time to protect the rights of all persons from whom land shall be so taken, or be proposed to be taken, and also to determine the manner in which such works may be undertaken, and shall be managed after their construction, as well as to secure to the public under suitable regulations the use of works constructed on land so taken; It is enacted as follows :—

AS TO THE CONSTRUCTION OF THE ACT.

**I.** The following words and expressions shall have the several meanings hereby assigned to them, unless when a contrary intention appears from the context.

Words in the singular number shall include the plural, and words in the plural shall include the singular.

Words importing the masculine gender shall include females.

The words "the Work" shall signify the public work proposed to be undertaken.

The words "Local Government" shall mean the head of the Executive Administration of the Province in which the public work is proposed to be constructed.

The words "the Collector" shall include any Officer exercising by authority of Government the duties of a Collector of Land Revenue by whatever name his office may be designated.

The words "the Promoters" shall mean the person or persons who propose to construct the work, or are empowered to construct it, whether a single person or a Company.

The words "Work under this Act" shall imply a work definitively registered as hereinafter provided by this Act.

The words "the Owners" or "the Company" shall signify the parties in charge of any public work under this Act, or referred to in this Act, whether as promoters, proprietors, lessees, agents, assignees, or otherwise, and whether a single person or a Company.

The word "Lands" shall include messuages, lands, tenements, and hereditaments of any tenure.

The word "Conditions" shall signify the special conditions of agreement between the promoters or owners of a work under this Act, and the Government, referred to in Section XV of this Act.

The word "Toll" shall include any rate or charge or other payment to be made for any use of a work under this Act, or for any service performed in connection with the use of any such work.

II. A work of public utility within this Act shall be held to mean any bridge, road, railroad, tramroad, canal for irrigation or navigation, work for the improvement of a river or harbour, dock, quay, jetty, drainage work, or electric telegraph; also all works subsidiary to any such work. It shall be lawful for the Governor-General in Council, from time to time by a declaration to be made to that effect and published in the Official Gazette, to order that any other class of works, or any particular work other than those named above, shall be included among works of public utility within this Act.

III. It shall be lawful for the Governor-General of India in Council to vest the principal Executive Officer of any territory under the immediate administration of the Governor-General in Council with any or all of the powers vested by this Act in the Local Government of such territory.

#### AS TO THE PRELIMINARY PROCEEDINGS TO BE TAKEN, AND THE REGISTRATION OF WORKS.

IV. The promoters of any work of public utility, who shall desire to proceed under this Act, shall make a preliminary application in writing to the Local Government, explaining the general object and nature of the work and its intended locality. Every such application shall further be accompanied by a statement of the estimated cost of the construction of the said work, and the mode in which the promoters propose to provide the funds for constructing, maintaining, and working the same.

V. If the Local Government shall not be satisfied with any such application or statement, it may reject it, or it may call on the promoters to supply any further information, or to amend such application or statement on any point on which such further information or amendment shall to the Local Government seem requisite.

VI. If the promoters shall desire to undertake any preliminary survey on account of the proposed work, before preparing and submitting the statement aforesaid, they shall declare the same in their preliminary application, and it shall be lawful for the Local Government, if satisfied of the expediency of permitting such survey, to issue a certificate authorizing the same. Such certificate shall declare

the names of the promoters entitled to use it, the time for which it shall be in force, and the District or Districts or locality for which it shall be valid, and shall contain such further regulations for the guidance of the persons using the said certificate as to the Local Government shall seem fit. The promoters named in such certificate, and such other persons as the promoters shall name in a list to be furnished to the Chief Officer charged with the Executive Administration of each District in which the proposed work is to be constructed, shall be authorized to enter upon any lands, in the manner and for the time declared in such certificate, to undertake any survey or other investigation necessary for the proper prosecution of the proposed work; and while acting under the authority given in the said certificate, such promoters and other persons aforesaid shall be deemed to be public servants whose duty it is to make a survey under Clause 10 of Section 21 of the Indian Penal Code. Provided that such promoters and other persons shall not be authorized to enter any house or building, or the curtilage of any house or enclosed garden, without the assent of the occupier, or to cut down any tree or otherwise injure or destroy any property. Provided also that such promoters and other persons aforesaid shall, while acting under the authority of such certificate, be liable as public servants for any offence described in Chapter IX of the said Indian Penal Code, to the penalty provided in the said Chapter for such offence.

Terms of certificate.

Authority conveyed thereby.

Proviso limiting authority.

Liability for offences.

VII. It shall be lawful for the Local Government, before issuing a certificate as aforesaid, to call on the promoters to deposit, as caution money, such sum and in such manner as the Local Government shall in each case determine, to be applied by the Local Government to make good any damage done in the course of such survey by the promoters or other persons using the said certificate. The promoters shall be entitled on their demand to receive back, after the expiry of such certificate, and after the payment of any claim for damage which shall have been proved to the satisfaction of the Local Government, any surplus remaining in the hands of such Government.

Deposit of caution money may be required before issue of certificate

Refund of Surplus.

VIII. It shall be lawful for the Local Government, at any time prior to the provisional registration of a public work under this Act as hereinafter provided, to cancel a certificate granted under Section VI of this Act, if it shall appear to such Local Government that the powers granted by such certificate have been abused, or for any other sufficient reason.

Cancelment of certificate.

IX. The promoters shall, at the time when they submit their preliminary application to the Local Government, publish the same, and if they so desire, the statement that accompanies it, in the Official Gazette, and also, if possible, in at least two Newspapers (one of which shall be in English) in the Province in which the work is

Publication of preliminary application, &c., by promoters, and supply of copies to Collectors, &c.  
Amended application.



proposed to be executed, and shall repeat such publication at least six times within a period of two months from the date of submission of such application to the Local Government; the promoters shall further cause to be delivered, with all reasonable despatch and within a period not exceeding two months, to the Collector of every district in which any part of such work is proposed to be constructed, or such other Officer as the Local Government shall from time to time direct, six copies of such application, with a faithful translation of the same into the vernacular language of the District; and shall in like manner publish from time to time and deliver as aforesaid, copies and translations of any amended applications submitted to the Local Government.

X. The Collector or other Officer as aforesaid shall, on receipt of the preliminary application, publish the same in English and in the vernacular language of the District, in the localities where the work is proposed to be constructed, in such manner as to him seems best.

XI. At any time not sooner than four months after the receipt of the said application, or if the application be amended then within four months after the receipt of such amended application, the Local Government, on being satisfied by the promoters that the above conditions have been complied with, shall be authorized to consider finally such application, and any objections that shall have been raised against the construction of the proposed work, and to declare whether the said work may be provisionally registered under this Act or not.

XII. Before declaring that any work may be provisionally registered under this Act, being a railway or tramway in continuation of or forming a branch of any existing line, or being a line that might reasonably be expected to be united with any existing railway either as a continuation or a branch, and at the same time being at some one point within fifty miles distance of such existing railway, the Local Government shall afford to the owners of such existing line reasonable time and opportunity to declare whether they offer any opposition to the registration of the proposed line, and on a full consideration of such opposition, and of the application of the promoters, and of any objections aforesaid, and of the relative public advantages of all proposals made in the matter, the Local Government shall be authorized to declare its decision on the said application.

XIII. Previously to deciding that the said work shall be provisionally registered under this Act, it shall be lawful for the Local Government, if it shall think fit, to appoint a Commission of one or more persons who may be Government Officers to enquire into the general object and nature of the said work, its intended locality and probable utility, its estimated cost, the grounds of any opposition to the said work, and any other matter connected with the said work, on which such Local Government shall desire to be satisfied. For the purposes of such enquiry, such Commission shall have power to take evidence, and for

obtaining the attendance and for the examination of witnesses, may exercise the powers of a Civil Court under the Code of Civil Procedure.

XIV. On the receipt of the Report of the Commission appointed under the last preceding Section, the Local Government shall decide if the said work shall be provisionally registered.

XV. Before declaring its decision as aforesaid, the Local Government shall, subject to such general or special instructions as the Governor-General of India in Council shall from time to time lay down, prescribe the conditions which such Local Government shall consider it necessary to impose on the promoters, having regard to the special circumstances of each case, in respect to the provision and payment of the price of the land for the proposed work, the construction, maintenance, or working of the same, the regulation of the use of the work as regards the security and convenience of the public, and such other matters as to the Local Government may from time to time seem right, and the Local Government shall inform the promoters of such conditions.

XVI. The Local Government, on causing a work to be provisionally registered under this Act, shall determine for what period, being not less than six months, such registry shall be in force. And at any time within such period the promoters may claim to have the registry made definitive as hereinafter provided.

XVII. Unless for any cause the Local Government shall otherwise determine, the promoters, before they are entitled to claim the definitive registry of the proposed work, shall deposit with the Government, in such manner as shall be approved by the Local Government, a sum to be fixed in each case by the Local Government, but not exceeding ten per cent. on the whole estimated cost of the said work, as caution money, to be disposed of in the manner agreed in the said conditions, unless it be otherwise dealt with as hereinafter provided. And any sum remaining in the hands of the Local Government from any caution money lodged under Section VII of this Act, shall be held to be a payment in part of the caution money required under this Section.

XVIII. The promoters, before such claim for definitive registry shall be admitted, shall further complete an agreement with the Secretary of State for India in Council through the Government, under the conditions aforesaid, or under such other conditions as may be agreed between the said promoters and the Local Government. And thereupon the Local Government shall cause such agreement with the conditions thereof to be published in the Official Gazette, and shall declare that the work is definitively registered as a public work under this Act.

XIX. It shall be lawful for the Local Government, on the application of the promoters of any public work under this Act, to cause to be definitively registered under this Act, any public work undertaken by such promoters under an agreement entered into previously to the passing of this Act with the Secretary of State, or the Government of India, or any local Government, as though such work had been proposed to be undertaken under the provisions of this Act hereinbefore contained. Provided that, at the time of so registering any work, the Local Government shall cause the said contract to be published in the Official Gazette, with all the conditions attaching thereto, and declare that the said work has been so registered definitively.

XX. It shall be lawful for the Local Government to apply any land in its lawful possession, also any public road or place, for the purposes of any public work under this Act, to be constructed at the expense and risk of the promoters of such work. Provided that every such work shall be definitively registered accordingly, and that the conditions under which such work is undertaken shall be published in the Official Gazette; also that the prosecution and construction of every such work shall be subject to the provisions of Section XII of this Act.

XXI. The Local Government may from time to time, with the assent of the owners of any work under this Act, vary the conditions to be agreed to under Section XV of this Act. Provided that such variation shall forthwith be published in the Official Gazette, and that after such publication the amended conditions shall be in force in supersession of those first made.

XXII. After the definitive registry of any work under this Act, it shall be lawful for the Local Government from time to time, in such wise as to it shall appear fit, to issue certificates to authorize the promoters, their servants, and agents to enter upon any lands, and to undertake such surveys or levels or other examinations as may be necessary for the proper prosecution of the said work; also to dig and bore into the sub-soil, and to indicate the intended boundaries of the land to be taken, and the positions of the proposed works, by suitable land-marks, and to perform all other necessary preliminary acts of the like nature; and such certificates shall declare the names of the persons entitled to use them, the time for which they shall be in force, and the Districts or locality for which they shall be valid, and shall contain such further regulations for the guidance of the persons using them as to the Local Government shall seem fit. And while acting under the authority given in the said certificate, such persons shall be deemed to be public servants, whose duty it is to make a survey under Clause 10 of Section 21 of the Indian Penal Code. Provided, however, that such persons shall not enter any house, or building, or the curtilage of any house, or

enclosed garden without giving twenty-four hours' notice, or without the assent of the occupier thereof, nor shall they cut down any tree, or otherwise injure or destroy any property, unless the same be essentially necessary. Provided also that such persons, while acting

under the authority of such certificate, shall be liable as public servants for any offence described in Chapter IX of the said Indian Penal Code, to the penalty provided in the said Chapter for such offence.

XXIII. The promoters shall, on the completion of the necessary surveys and the like, submit to the Local Government such drawings, maps, and plans of the proposed work, as well as of the land required for it, as the Local Government shall in each case require. And thereupon the Local Government shall appoint one or more Commissioners, who may be Government Officers, to examine same, and to examine the said drawings, maps, and plans, and to determine finally, in concert with the promoters or their agents, all matters of detail in respect of the exact position of the work, or of the parts thereof, as well as the boundaries of the land to be taken for the said work, and shall notify such appointment in the Official Gazette, and shall cause such Notification to be published in the District where the work is proposed to be undertaken in such manner as shall seem best to the Local Government.

XXIV. The Commissioners appointed under the last preceding Section shall proceed at any time, but not sooner than thirty days after such notification, to settle, in concert with the promoters or their agents, the exact position of the work or of the parts thereof, and thereafter with all practicable despatch to examine the boundaries of the land proposed to be taken for the work; and the said Commissioners may call upon the promoter to make any variation in their project, and in the position of the works or any part of them, and in the boundaries of the land proposed to be taken, that may to the said Commissioners seem necessary to secure the safety or convenience of the public, or to prevent any undue interference with private property, or for any other reasonable cause, and any such variation, if agreed to by the promoters, shall thereon be considered to be finally adopted; but if the promoters shall not agree, the question in dispute shall be submitted to the Local Government, and the decision of the Local Government shall be final, provided that the promoters shall not be bound to carry out the proposed work if any variation be insisted upon by the local Government to which the promoters will not assent.

XXV. The Local Government shall be authorized to extend the periods allowed for giving any notices, or for performing any acts required under the foregoing Sections, as from time to time may seem to it proper.

XXVI. The Local Government may, with the consent of the promoters, vary the conditions to be agreed to under Section XV of this Act. Provided that such variation shall forthwith be published in the Official Gazette, and that after such publication the amended conditions shall be in force in supersession of those first made.

XXVII. After the definitive registry of any work under this Act, it shall be lawful for the Local Government from time to time, in such wise as to it shall appear fit, to issue certificates to authorize the promoters, their servants, and agents to enter upon any lands, and to undertake such surveys or levels or other examinations as may be necessary for the proper prosecution of the said work; also to dig and bore into the sub-soil, and to indicate the intended boundaries of the land to be taken, and the positions of the proposed works, by suitable land-marks, and to perform all other necessary preliminary acts of the like nature; and such certificates shall declare the names of the persons entitled to use them, the time for which they shall be in force, and the Districts or locality for which they shall be valid, and shall contain such further regulations for the guidance of the persons using them as to the Local Government shall seem fit. And while acting under the authority given in the said certificate, such persons shall be deemed to be public servants, whose duty it is to make a survey under Clause 10 of Section 21 of the Indian Penal Code. Provided, however, that such persons shall not enter any house, or building, or the curtilage of any house, or

enclosed garden without giving twenty-four hours' notice, or without the assent of the occupier thereof, nor shall they cut down any tree, or otherwise injure or destroy any property, unless the same be essentially necessary. Provided also that such persons, while acting under the authority of such certificate, shall be liable as public servants for any offence described in Chapter IX of the said Indian Penal Code, to the penalty provided in the said Chapter for such offence.



AS TO THE TAKING LANDS, THE TITLE THEREIN, AND THE PAYMENT THEREFOR.

XXVI. When the boundaries of the land re-

quired for the work shall have been settled as aforesaid, and the promoters shall have caused the said land to be measured, and suitable land-plans to be prepared of the same, the Local Government shall cause a declaration to be made, under the signature of a Secretary to such Government or some Officer duly authorized to certify the orders of the Local Government, that the land aforesaid is required for the said work, and such declaration, shall be conclusive that the land may be taken under this Act. After making such declaration the Local Government may proceed to take any such land as though it had been required to be taken at the public expense, and for a public purpose, and as though a declaration had been made as required under Act VI of 1857 (*for the acquisition of land for public purposes.*)

And may there-  
after proceed to take  
the same.

XXVII. The boundaries as determined by the Commissioners, and the plans and measurements aforesaid of the said land, when verified and found to be correct, or when duly corrected by the Collector or other Officer appointed to proceed under the said Act VI of 1857, shall be held to be the boundaries, plans, and measurements required under Section IV of the said Act, so far as the said lands are concerned.

Rule as to bound-  
aries, plans, and  
measurements.

XXVIII. If at any time land shall be required for any necessary or reasonable extension of or addition to any work under this Act, it shall be lawful for the Local Government to make all requisite declarations for the purpose of obtaining such land under this Act, after such and only such of the preliminary proceedings and enquiries hereinbefore required, as to the Local Government shall in each case seem sufficient for the protection of the rights of the public and of individuals concerned. Provided that nothing shall be done contrary to the provisions of Section XII of this Act, and that all proceedings for the actual taking possession of the land shall be conducted in accordance with the provisions of the said Act VI of 1857.

Preliminary pro-  
ceedings and decla-  
ration by Local Go-  
vernment, as to land  
required for exten-  
sion of, or addition  
to, work under Act.

Proviso.  
this Act, after such and only such of the preliminary proceedings and enquiries hereinbefore required, as to the Local Government shall in each case seem sufficient for the protection of the rights of the public and of individuals concerned. Provided that nothing shall be done contrary to the provisions of Section XII of this Act, and that all proceedings for the actual taking possession of the land shall be conducted in accordance with the provisions of the said Act VI of 1857.

XXIX. Land may be taken under this Act for a temporary purpose in like manner as under the said Act VI of 1857.

XXX. All land taken under this Act shall vest absolutely in the Local Government as though it had been taken for a public purpose under the said Act VI of 1857, and it shall be lawful for the Local Government to dispose of any land taken under this Act, the whole or any part of which shall not be required for the purpose for which it was taken, in any manner that it may think fit. The Local Government alone shall be responsible for the payment of all claims on account of such land to all persons whatever, and the promoters shall in no wise be responsible for any such payment otherwise than

Right, powers, and  
responsibilities of  
Local Government  
as to land taken un-  
der Act.

to the Local Government, and then only as is herein declared and provided, and as shall be specially agreed in the conditions aforesaid.

XXXI. When all the conditions as aforesaid applicable to the transfer of the land to the promoters shall have been fully complied with, and not till then, the Government shall cause the promoters to be placed in possession of such land in accordance with such conditions. The title of the Local Government or of the promoters to such land shall not be liable to be questioned on account of any informality in any proceeding taken under this Act.

XXXII. All expenses attending the proceedings of the Commissioners to be appointed under Section XXI of this Act, and all expenses incurred by the Local Government in taking up the land required for the promoters under the said Act VI of 1857, shall be paid by the said promoters, unless otherwise specially agreed. The Local Government shall determine the sum due on account of such expenses, and shall be authorized to deduct such amount from any sum lodged as caution money as aforesaid, if it be not otherwise paid by the promoters, and any sum remaining unpaid both as aforesaid, and on account of land or compensation for which the promoters are liable under the said conditions, may, on the order of the Local Government to that effect, be levied by distress and sale on the said promoters, in the manner provided for distress and sale under Civil process.

XXXIII. The promoters shall further be liable for all damage done in any of their preliminary operations, and shall duly satisfy and pay all claims of this description; and if at the time of taking possession of the land required for the promoters, it shall appear that any such claim remains unsatisfied, the Collector or other Officer acting under the said Act VI of 1857 in respect of such land shall be authorized to determine all such claims summarily, as though they had been claims arising under the said Act, and all payments on account of such claims shall be made good by the promoters as under the last preceding Section.

Liability of pro-  
moters for damage  
done in preliminary  
operations.  
Provision for satis-  
faction of claims on  
account of damage.

AS TO THE PUBLIC USE OF WORKS.

XXXIV. Every work under this Act shall be available for the use of the public in accordance with and to the extent provided by the conditions aforesaid, or any Act at the time being in force, but not otherwise; and after the publication of the conditions relating to any such works in the Official Gazette, all Courts may take judicial notice of the same, and it shall be lawful for any person whatsoever to sue the owners of such work for any damage he may incur by reason of any neglect of the said conditions by the said owners, in respect of any such public use of such work, as though such person had been a party to the said conditions.

Works under Act  
how far available  
for public use.

Courts may take  
cognizance of condi-  
tions relating to  
same and owners  
may be sued for  
damage resulting  
from neglect.

XXXV. The owners of any work under this Act shall be authorized to levy such tolls, in such manner, as shall be fixed in accordance with the conditions aforesaid, also to refuse the use of such work, and to refuse to perform any service in connection therewith, unless such tolls shall be paid in the manner fixed aforesaid, as well as to detain any thing or animal on which such tolls shall be due, and to sell the same if the said tolls shall remain unpaid after a reasonable time has been allowed to elapse for the payment of the same. Provided that no such tolls shall be demanded or taken at any place unless proper tables and lists of such tolls be exhibited at such place in the manner fixed as aforesaid.

As to the CONSTRUCTION OF THE WORKS, AND THE INSPECTION OF THE SAME.

XXXVI. The Local Government may appoint Inspectors to inspect any work under this Act, also all things appertaining thereto, and to the working of the same; but not books or documents otherwise than as shall be provided in the conditions aforesaid. The owners of such work, and all persons authorized by them to use the same in connection with any public use of the said work, and their servants and agents, shall be bound to afford to such Inspectors all reasonable facility for their inspection, and all such information as may be reasonably required by them.

XXXVII. If it appear to the Local Government, upon the report of any Inspector, that the use of any work under this Act cannot be continued without danger to the public or to the persons employed thereon, or that rules adequate to the protection of the public under the provisions of this Act have not been framed and put in force, or that the condition agreed upon under Section XV of this Act have not been carried out, the Local Government may order that all defects shall be made good within a reasonable specified time; and in default of the owners of such work complying with such order within such time, or such further time as the Local Government shall appoint, the Local Government shall be empowered to direct that the use of such work shall be suspended, until the defects aforesaid shall be remedied to the satisfaction of the Local Government.

XXXVIII. The Local Government may at any time, on the report of an Inspector during the construction of any work under this Act, direct the promoters to construct in connection therewith such culverts, bridges, tunnels, drains, or other works as may be considered by the Local Government to be necessary to continue to the public any roads, or rights of way, or easements, or the use of any water theretofore available, and to make due provision for the irrigation and drainage of the country, so as to prevent the same from being impeded or unnecessarily altered by the construction of the said work. If default be made in complying with any directions given under the provisions of this Section, the Local Government may order the prosecution of the work to

be stopped until such directions shall be complied with to the satisfaction of the Local Government.

XXXIX. Nothing in the last preceding Section shall be construed to render the promoters liable to construct any work, or to undertake any thing, at variance with the special conditions of agreement under Section XV of this Act.

XL. The owners of every Railway under this Act, being of the gauge of five feet six inches, shall be bound, unless specially exempted by the Governor-General of India in Council, to erect all the fixed structures, and to construct all the rolling stock, in conformity with the standard dimensions determined in that behalf from time to time by the Governor-General of India in Council, and it shall be lawful for the Local Government to order the said owners to make good all defects in such structures or rolling stock, and to suspend their use until such defects shall be made good to the satisfaction of the Local Government.

XLI. The provisions of Act XVIII of 1854 (*relating to Railways in India*) shall apply to all Railways under this Act; provided that in respect of such Railways the Local Government shall be

authorized to determine, from time to time, the extent to which fences shall be constructed under Section XX of the said Act XVIII of 1854, and that the owners of such Railways shall not be liable to maintain fences under the said Section otherwise than as shall be so determined.

XLII. In case any doubt shall at any time arise, as to the necessity for constructing or altering any work to ensure the safety of the public, or to provide for established public rights of way, or other public rights of any sort in connection with any work under this Act, the decision of the Local Government on such subject shall be final, and shall not be liable to be called in question in any Court of Justice.

XLIII. If the owners of a Railway under this Act shall desire to form a connection with any existing Railway of the same gauge, the owners of the new line shall be authorized to call on the owners of the old line to effect the junction, and if the owners of the old line shall not proceed to effect the junction within a reasonable time, the Local Government, on being satisfied that the junction may be made with safety to the public, and without injury to the existing Railway, or detriment to the traffic thereon, may authorize the owners of the proposed line to form the junction, and to do all necessary acts in that behalf, and to lay down such additional lines of rails, points, and crossings as may be necessary for the purpose, at such time and in such manner as the Local Government shall direct. Provided that if the junction be effected by the owners of the previously existing Railway, the expense of forming the junction, of supplying all necessary works, and of keeping in repair and renewing the same, shall be paid by the owners of the new line.



**XLIV. If any difference shall arise as to the terms on which the traffic of**

Local Government to determine differences between owners of lines joined, connected, or used in common.

a branch or junction line of Railway under this Act shall pass over or upon any other line with which it shall be connected, or as to the manner and times of conducting the traffic, or of regulating the same, over the two lines or either of them, or as to any matter touching any line under this Act used in common by two or more Companies, the Local Government shall be authorized, on the application of either or any one of the said Companies, to hear and determine all such differences, and any order given by the Local Government in such a case shall be final and binding on all parties, provided that no order shall be so given at variance with any condition of any agreement between the Government and any of the said Companies, that shall be applicable to the said lines of Railway.

**AS TO THE MAKING OF BYE-LAWS.**

**XLV. It shall be lawful for the owners of any**

Power of owners to make Bye-laws and Regulations.

work under this Act to make Bye-Laws and Regulations for the guidance of their servants and agents, and of persons employed by them, and for the maintenance of order in the use of such work, and to provide for the safety and convenience of the public, or of the persons employed on such work; and all such Bye-Laws and Regulations shall be subject to the approval of the

Subject to approval and alteration.

Local Government, and when so approved all Courts and Magistrates shall take judicial notice of the same, and the Local Government shall be authorized to cause any alterations to be made in the Bye-Laws and Regulations so made and approved, as to the Local Government shall from time to time seem proper. Provided that

Proviso.

such Bye-Laws and Regulations be not repugnant to any Law in force in the British Territories in India, and that no penalty shall be attached to the infringement of any such Bye-Law or Regulation exceeding a fine of fifty Rupees.

**XLVI. Such Bye-Laws and Regulations affect-**

Publication of Bye-laws, and notification of substance of same.

ing the public shall be published, and the substance of them shall be notified, in such places on the said work and in such manner as the Local Government shall from time to time approve or direct, and no penalty shall be recoverable under such Bye-Laws or Regulations unless the same shall have been published and kept published as aforesaid.

**XLVII. In the case of a Railway under this**

Provision as to Bye-laws in the case of a Railway, under Act, of 5½ feet gauge.

Act, being of the gauge of five feet and six inches, it is further provided that the Bye-Laws and Regulations shall, unless the Governor-General of India in Council shall otherwise permit, conform in every respect to the Regulations for Railway Companies under the said Act XVIII of 1854.

**AS TO THE LIEN OF THE GOVERNMENT ON ANY WORK.**

**XLVIII. No**

Lands for work under Act, and fixtures thereon, not liable to seizure for debt, nor alienable by promoters, without consent of Local Government.

lands taken or supplied by Government for any work under this Act; no tree, building, or structure standing on such lands; no machinery nor permanent way fixed to the soil on such lands; nor anything whatsoever on which the

Local Government shall be entitled to re-enter, or of which it shall be entitled to take possession without payment on the determination from any cause of the agreement between the Local Government and the promoters under the conditions aforesaid, shall without the consent of the Local Government be liable to be seized or applied in satisfaction of any debts or liabilities of any sort of the promoters, nor without such consent shall the promoters alienate the same, or any part thereof, in any way not provided for, or consonant with such agreement or conditions.

**XLIX. If the**

Right of Local Government to terminate contracts with promoters in certain cases.

owners of a work under this Act shall voluntarily determine to wind up their affairs, or shall be so directed by an order of Court, or shall abandon or determine to abandon such work, or shall commit an act of Bankruptcy or Insolvency, it shall be lawful for the Local Government thereupon to terminate all contracts then existing between it and the promoters in respect of such work, and to re-enter upon and take

And to re-enter and take possession of lands &c.

possession of all things whatsoever, to which the Local Government shall be so entitled under the conditions of such contracts; also of all lands taken at the public expense, or supplied to the said promoters free of cost, together with all trees, buildings, and structures standing on such lands, as well as all machinery and permanent way fixed to the soil on such lands; provided that nothing shall be so taken which shall be expressly excluded from such liability under the conditions aforesaid. But the Local Government shall be

Saving of moveable property in certain cases.

bound to surrender to a lawful claimant all moveable property of which it shall at any time obtain possession from the promoters otherwise than by purchase, which shall not have been fully paid for by the promoters; or in lieu of such surrender, if the Local Government shall so determine, to satisfy all just outstanding claims on account of such property; provided that no such surrender shall

Proviso.

be obligatory, and no such claim shall be entertained, in respect of any thing that shall have been delivered to the said promoters more than twelve months before the date of such surrender being required, or of such claim being made known to the Local Government.

**AS TO MINES NEAR ANY WORK.**

**L. Whenever land shall be taken under this**

Provision as to mines lying under land taken under Act.

Act for the construction of any work, the taking thereof shall not be held to convey or include the right to any mine of coal or other minerals lying under such land, except only such part thereof as shall be necessary to

be dug or carried away or used in the construction of the works, unless compensation for the same shall have been expressly allowed in the award made in favor of the persons interested in the land.

LI. If the owner, lessee, or occupier of any mine of coal, or of any other mineral, lying immediately under any work under this Act, or within forty yards therefrom, shall work the same, it shall be competent to the Local Government, on the application of the promoters of such work, to require such person to abandon such working, or so to work the same as not to endamage the said work, and to construct the works necessary to make it safe. Provided that compensation shall be awarded to such owner, lessee, or occupier, in the manner

And to working of mines under or near work under Act.

Proviso as to compensation.

provided for in the said Act VI of 1857, for any loss sustained by him from being compelled to abandon or alter his mode of working the mine, and also for any necessary works constructed by him (when so required as aforesaid) in order to prevent damage to the said work, but all damage or loss to the promoters, arising from any improper working of such mines, shall be at the risk of the owners, lessees, or occupiers of the said mines, and shall be made good by them.

AS TO OFFENCES, AND THE RECOVERY OF PENALTIES.

LII. Whoever shall obstruct or commit any contempt of the lawful authority of any public servant in the discharge of any function or in the performance of any thing undertaken under this Act, or shall commit mischief by destroying, defacing, or removing any land-mark fixed by the authority of any such public servant shall be punishable under the provisions of the Indian Penal Code.

Certain offences punishable under Penal Code.

LIII. All penalties for offences under the Byelaws and Regulations aforesaid shall be recoverable in the manner provided for offences punishable by fine only in the said Act XVIII of 1854, (relating to Railways in India.)

Recovery of penalties for offences under Bye-laws.

M. WYLIE,

Deputy Secy. to the Govt. of India,  
Home Department.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor General on the 10th March 1863, and is hereby promulgated for general information :—

ACT No. XXIII OF 1863.

An Act to provide for the adjudication of claims to waste lands.

WHEREAS it is expedient to make special provision for the speedy adjudication of claims which may be preferred to waste lands proposed to be sold or otherwise dealt with on account of Government, and of objections taken to the sale or other disposition of such lands; It is enacted as follows :—

I. When any claim shall be preferred to any waste land proposed to be sold or otherwise dealt with on account of Government, or when any objection shall be taken to the sale or other disposition of such land, the

Provision for inquiry into claims to land, or objections to sale of same.

Collector of the District in which such land is situate, or other Officer performing the duties of a Collector of land Revenue in such District, by whatever name his Office is designated, shall, if the claim or objection be preferred within the period mentioned in the advertisement to be issued for the sale or other disposition of such land, which period shall not be less than three months, proceed to make an enquiry into the claim or objection.

II. The Collector or other Officer as aforesaid shall call upon the claimant or objector to produce any evidence or documents upon which he may rely in proof of his claim or objection, and after considering the same and making any further enquiry that may appear proper, shall dispose of the case by an order for the admission or rejection of the claim or objection, and if the land is proposed to be sold, for the sale of the same subject to any condition or reservation which to such Collector or other Officer as aforesaid shall appear to be proper. If the land is ordered to be sold subject to any condition or reservation, such condition or reservation shall be notified to intending purchasers at the time of sale.

III. Pending an enquiry into any claim or objection under the last preceding Section, the Collector or other Officer as aforesaid shall postpone the sale or other disposition of the land, and if he shall order that such claim or objection be rejected, he shall further postpone the sale or other disposition of the land to allow the claimant or objector to contest the order of rejection in the manner hereinafter provided.

IV. If the Collector or other Officer as aforesaid shall consider the claim or objection to be established, and that the sale or other disposition of the land should not take place, he shall stop the sale or other disposition of the land; but such sale or other disposition of the land may afterwards be proceeded with if, on an order issued by the local Government to try the claim or objection as provided in Section VI of this Act, the claimant or objector shall fail to establish the same.

V. If the Collector or other Officer aforesaid shall order that the claim or objection be rejected, or that the land be sold subject to any condition or reservation, or that it be otherwise dealt with, he shall cause a copy of such order to be delivered to the claimant or objector, and if such claimant or objector shall not within one week from the delivery of such copy, or within such further time as the Collector or other Officer as aforesaid for any special reason to be recorded shall see fit to grant, give notice in writing to such Collector or other Officer as aforesaid that he intends to contest such order, the order shall be final. If the claimant or objector shall, within the time allowed, give such notice, the Collector or other Officer as aforesaid shall immediately make a report to the Board of Revenue or other superior Revenue Authority, and shall forward with such Report a copy of his order, stating fully all the circumstances of the case and the evidence adduced in support or otherwise of the claim or objection, and such Board

Procedure after passing of order in the case.

Report to Revenue Board.



or other Authority, on the receipt of such Report, and after calling for any further information which it may consider necessary, may confirm, modify, or reverse the order of the Collector or other Officer as aforesaid. If the Board or other

Decision of Board. Authority as aforesaid confirm the order of the Collector or other Officer as aforesaid, or modify such order in such manner as to leave any part of such order in force adverse to the claimant or objector, the Collector or other Officer as aforesaid shall certify such order to the Court constituted as hereinafter provided, and such Court shall forthwith give notice to the claimant or objector, and if such claimant or objector shall not, within thirty days from the delivery of such notice from the Court, institute a suit in such Court to establish his claim or objection, the order of the Board or other Authority aforesaid shall be final.

VI. The local Government may, within twelve

Local Government may, within twelve months, order suit to be brought to try claim admitted by Collector.

months after the date on which the claim of any claimant of waste land, or the objection of any objector as aforesaid, shall have been admitted under this Act by the Collector or other Officer as aforesaid, direct a suit to be brought to try the claim or objection of the claimant or objector, in a Court constituted as hereinafter provided.

VII. For the investigation and trial of claims

under this Act, the local Government shall constitute, in every District in which there may be any waste lands capable of being sold or otherwise dealt with on account of Government, a Court consisting of an uneven number of persons not less than three, of whom the Judge of the District, or the Officer presiding in the principal Civil Court of original jurisdiction in the District by whatever name his office may be designated, shall be one. Any one or more of the Members of which such Court shall consist, shall have power to make all such orders in the case as may be necessary prior to the hearing of the suit. Provided that, whenever the Collector or other Officer by whom the original enquiry was held is the Officer presiding in the principal Civil Court of original Jurisdiction in the District, such Officer shall not be a Member of such Court.

VIII. Whenever any Court is constituted

under this Act, notice thereof shall be given by a written proclamation, copies of which shall be affixed in the several Courts, and in the Offices of the several Collectors and Magistrates of the District, and from the date of the issue of such proclamation no other Court shall be competent to entertain any claim or objection belonging to the class of claims or objections for the trial and determination of which such Court is constituted.

IX. The Courts constituted under this Act

shall be held at such place or places within the limits of their respective jurisdictions as shall be considered most convenient.

X. In every suit instituted under Section V of this Act the claimant of the waste land, or objector to the sale or other disposition of such land, shall appear as plaintiff, and the Collector or other Officer aforesaid shall appear as defendant on the part of Government. Either party may appear by pleader or by agent. Provided that if such other Officer as aforesaid be the presiding Officer of the principal Civil Court of Original Jurisdiction in the District, the local Government shall appoint some other Officer to appear as defendant in the case on its behalf. In any suit ordered to be instituted by the local Government under Section VI of this Act, the Government, by any Officer to be appointed for the purpose, shall appear as plaintiff, and the claimant or objector as aforesaid shall appear as defendant.

Plaintiff and Defendant in suits under Section V.

Plaintiff and Defendant in suits under Section VI.

XI. In suits instituted under this Act, except

as hereinafter provided, the proceedings shall be regulated, so far as they can be, by the Code of Civil Procedure.

XII. The Court shall fix a day for the appearance of the parties and for the hearing of the suit, of which due notice shall be given to the parties or their agents, and on the day so fixed the parties or their agents shall bring their witnesses into Court, together with any documents on which they may intend to rely in support of their respective statements. If either party require the assistance of the Court to procure the attendance of a witness on such day, he shall apply to the Court in sufficient time before the day fixed for the hearing of the suit, and the Court shall issue a Subpoena requiring such witness to attend the Court on that day. It shall be competent to the Court to require the personal attendance of the claimant of the waste land or objector as aforesaid on the day fixed for the hearing, or at any subsequent stage of the suit.

XIII. On the day fixed for the hearing of the suit, or as soon after as may be practicable, the Court shall proceed to examine the claimant of the waste land, or the objector, or his agent (when his personal attendance is not required), and the witnesses of the parties, and upon such examination, and after inspecting the documents of the parties, and making any further enquiry that may appear necessary, shall proceed to pass such order in the case as it may consider just and proper.

XIV. No appeal shall lie from any decision or order passed under this Act, nor shall any such decision or order be open to revision.

XV. If, on the trial of any suit under this Act, any question of law, or of usage having the force of law, or the construction of a document affecting the merits of the case shall arise, on which the Court shall entertain reasonable doubts, the Court may, either of its own motion or on the application of any of the parties to the suit, draw up a statement of the case and submit it, with its own opinion, for the opinion of the High Court of Judicature, or of the highest Civil Court of Appeal and revision, in the territory

Reference of question of law, &c. to High Court, &c.

No Appeal or revision.

in which the land is situate. Provided that it shall be the duty of every Court held under this Act to make such reference to such High Court, or Court of Appeal, if in any suit under this Act any question shall arise involving any principle of general importance, or the rights of a class.

XVI. The Court may proceed in the case notwithstanding a reference to the High Court, or other highest Civil Court of Appeal as aforesaid, and may pass an order contingent upon the opinion of the High Court, or other Court as aforesaid on the point referred, but no final order for the sale or other disposition of the land in question in the suit, or for the admission or rejection of any claim or objection which shall be before the Court in such suit, shall be passed until the receipt of the order of the said High Court, or highest Civil Court of Appeal.

XVII. The records of cases disposed of by Courts constituted under this Act shall be deposited amongst the records of the principal Civil Court of Original Jurisdiction in the District in which the property in dispute is situate.

XVIII. No claim to any land, or to compensation or damages in respect of any land sold or otherwise dealt with on account of Government as waste land, shall be received after the expiration of three years from the date on which such land shall have been delivered by the Government to the purchaser, or otherwise dealt with. If within three years after any lands have been delivered by the Government to the purchaser, or otherwise dealt with, any claimant or objector shall

prefer a claim to the land so delivered or otherwise dealt with, or an objection to such sale, or to compensation or damages in respect thereof, in the Court constituted under this Act for the District in which the land is situate, and shall show good and sufficient reason for not having preferred his claim or objection to the Collector or other Officer as aforesaid within the period limited under Section I of this Act, such Court shall file the claim or objection, making the claimant or objector plaintiff, and the Collector of the District or other Officer as aforesaid (with the like provision as aforesaid, if such other Officer be the presiding Officer of the principal Civil Court of Original Jurisdiction in the District) the defendant in the suit, and the foregoing provisions of this Act shall be applicable to the trial and determination of the suit. The report of the Officer employed to give delivery, or to take possession on the part of Government, of the land sold or otherwise dealt with, shall be conclusive evidence as to the date on which such delivery was made, or possession was taken.

XIX. In any case in which the land has been sold, if the Court shall be of opinion that the claim of the claimant is established, the Court shall not award the claimant possession of the land in dispute, but shall order him to receive from the Government Treasury, by way of compensation, a sum equal to the price at which the land was sold, in addition to the costs of suit.

XX. If the land shall have been sold subject to any condition or reservation, or shall not have been sold, but shall have been otherwise dealt with on account of the Government, and the Court shall be of opinion that the claim to such land, or the objection of an objector is established, the Court shall award the claimant or objector to receive such sum in respect of his interest in such land as shall be awarded in that behalf under the provisions of Act VI of 1857 (*for the acquisition of lands for public purposes*), and thereupon the local Government shall proceed under the said Act to obtain an award of the value of such interest.

XXI. An award under any of the provisions of the two last preceding Sections shall be in full satisfaction of the claim of the claimant or objector, and shall bar any future claim on his part in respect to the land in suit resting on the same cause of action, or on a cause of action which existed prior to the date of the sale or other disposition of the land on account of Government.

XXII. Nothing in this Act shall be held to prevent the local Government from awarding to any claimant of waste land sold on account of Government, on proof to the satisfaction of the local Government of the claim of such claimant (notwithstanding that he may not have preferred his claim either to the Collector or other Officer as aforesaid, or to the proper Court constituted under this Act within the period prescribed by this Act), such amount of compensation for the said land, within the limit as to amount mentioned in Section XIX of this Act, if the land have been sold not subject to any condition or reservation, as to such local Government may seem proper.

XXIII. If the land have been sold subject to any condition or reservation, or have been otherwise disposed of on account of Government, and any claim to such land, or objection to the sale or other disposition of the land shall be proved to the satisfaction of the local Government, although not preferred to the Collector or other Officer as aforesaid, or to the Court constituted under this Act, within the period prescribed by this Act, the local Government may award to such claimant or objector such amount as to such local Government may appear to be the value of the interest of such claimant or objector in such land.

XXIV. Unless the contrary appears from the context, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; and words importing the masculine gender shall include females.

M. WYLIE,

Depty. Secy. to the Govt. of India,  
Home Department.



## HOME DEPARTMENT.

No. 1808.

*Fort William, the 20th March 1863.*

*Notifications.*—The Hon'ble G. F. Edmonstone reported his departure for England by the Steamship *Simlah*, which Vessel was left by the Pilot at sea on the 11th instant.

No. 1809.

The President in Council has been pleased to grant to Mr. T. H. Cowie, Advocate-General, leave of absence, on private affairs, for six months, under Section XIV. of the Covenanted Absentee Rules, from the date on which he may avail himself of the same.

No. 1810.

Mr. G. B. Pasley, of the Civil Service, reported his departure for England by the Steamship *Simlah*, which Vessel was left by the Pilot at sea on the 11th instant.

No. 1811.

Mr. R. S. Edwards, Collector of Customs at Rangoon, made over charge of his Office and Treasury to Mr. R. G. Culloden on the 9th January 1863, and resumed charge from the same Officer on the afternoon of the 14th February 1863.

E. C. BAYLEY,  
*Secy. to the Govt. of India.*

## FOREIGN DEPARTMENT.

No. 46.

MILITARY.

*Camp Khotowlee, the 13th March 1863.*

*Notification.*—His Excellency the Viceroy and Governor General is pleased appoint to Captain A. M. Mackenzie, of the Bengal Staff Corps, and Settlement Officer in Oudh, to be Commandant of the Meywar Bheel Corps *vice* Captain Annesley, proceeded on Furlough.

No. 10.

HOME DEPARTMENT.

Mr. G. Luckett, Inspector of Police of the First Class in the Town of Rangoon, to be a Probationary Assistant Superintendent of Police for the Town and Cantonments of Rangoon *vice* Lieutenant FitzPatrick, on leave.

Mr. Luckett took charge of his appointment from the 11th January last.

C. U. AITCHISON,  
*Under-Secy. to the Govt. of India,*  
*with the Governor General.*

No. 473.

GENERAL.

*Fort William, the 20th March 1863.*

The leave of absence granted to Captain W. P. Harrison, Deputy Commissioner of Mergui, in General Order dated 12th September last, No. 1783, is extended to the 5th of that month, on which date he returned to his duty.

No. 476.

Assistant Surgeon W. J. Moore, in Medical charge of the Joudpore Political Agency, returned to his duty on the 22nd ultimo.

No. 477.

Captain C. R. Shaw, Assistant Commissioner of Roy Bareilly in Oudh, has obtained leave of absence for twenty-nine days preparatory to applying for further leave to Europe on Medical Certificate.

No. 480.

Colonel S. A. Abbott, Commissioner of the Lucknow Division, has obtained leave of absence from the 1st to the 9th April next, or to the date of the sailing of the first Steamer in that month, preparatory to applying for Furlough to Europe on Medical Certificate.

No. 481.

Major R. D. Ardagh, Deputy Commissioner of Rangoon, British Burmah, returned to his duty on the 23rd ultimo.

No. 482.

With reference to General Order dated 15th November 1861, No. 238, the services of Lieutenant J. Waterhouse, of the Royal Artillery, have been re-placed at the disposal of the Military Department from the 1st December last.

No. 483.

Major R. Ranken, Assistant General Superintendent for the Suppression of Thuggee and Dacoitee, returned to his duty on the 28th ultimo from the leave granted to him in General Order dated 20th January last, No. 122.

No. 484.

The Reverend Dr. J. J. Carshore is appointed to officiate as Chaplain of Seetapore in Oudh during the absence on leave of the Reverend F. C. Viret.

No. 486.

Captain Herbert H. James, of the 10th Bombay Native Infantry, is appointed to be an Assistant Commissioner, Third Class, in the Province of Oudh.

No. 489.

Lieutenant A. M. Bruce, Assistant Agent, Governor General, Rajpootana, availed himself, on the 3rd instant, of the preparatory leave granted to him in General Order dated 10th January last, No. 36.

No. 490.

With reference to General Order No. 390, dated 6th instant, Captain E. St. George is appointed to take charge, from Major C. Herbert, of the office of Agent, Governor General, with the King of Oudh, and Superintendent, Mysore Princes and Ex-Ameers of Sinde, as a temporary arrangement.

No. 494.

Captain H. Fraser, Second Assistant Resident at Hyderabad, having obtained twenty months' Furlough to Europe, on Medical Certificate, from the Bombay Government, reported his departure from Bombay on the 28th ultimo on the Steamer *Salsette*.

E. C. BAYLEY,

*Offg. Secy. to the Govt. of India.*

*LIST of Persons entitled to the "India Medal," whose Medals lie unclaimed in the Office of the Secretary to the Government of India, in the Foreign Department.*

Names of Parties.

Abbott, A. E.	... Engine Driver.
Burrows, John	... Clerk.
Collins, J.	... Pupil, La Martiniere.
Creed, E.	... Ditto, ditto.
Creed, G.	... Ditto, ditto.
Cameron.	... Merchant.
Dodd, G. N.	... Civil Surgeon.
Davey, Peter	... Clerk.
DeRavara, J.	... Steward, La Martiniere.
Deverine, J.	... Late Superintendent, <i>Constantia</i> .
Dowling, Peter	... Out of employ.
Davis, J.	... Overseer.
Dawson, Captain	... Oudh Military Police.
French, Lieutenant C. J.	... Ditto, ditto.
Leslie, John	... Clerk, Chief Commissioner's Office.
Marshall, A.	... Assistant Book-keeper.
Parly, J.	... Railway Inspector.
Rae, W.	... Merchant.
Soule, Henry	... Out of employ.
Sadlier, Lieutenant T. J.	... Oudh Military Police.
Smith, C.	... Railway Inspector.
Tucker, R. T.	... Civil Service.
Wilson, R.	... Merchant Tailor.

H. M. DURAND, Colonel,

*Secy. to the Govt. of India.*

MILITARY DEPARTMENT.

GENERAL ORDER BY HIS EXCELLENCY THE GOVERNOR GENERAL OF INDIA.

*Camp Khatowlee, the 13th March 1863.*

No. 13A. of 1863.—The services of Lieutenants C. W. J. Harrison, R. E., and R. P. Tickell, R. E., are placed at the disposal of the Public Works Department.

H. W. NORMAN, Lieut.-Col.,

*Secy. to the Govt. of India,*

*with the Governor General.*

MILITARY DEPARTMENT.

*Fort William, the 19th March 1863.*

No. 214 of 1863.—The undermentioned Officer has reported his return from England:—

*Date of Arrival at Fort William.*

Colonel Edward Lacon Om-	} 12th March 1863.
manney, Royal Engineers,	
Superintending Engineer,	
First Class, Department	
Public Works, Bengal	... }

No. 215 of 1863.—It is hereby notified, for general information, that Her Majesty's 91st Regiment of Foot has been transferred from the Madras to the Bengal Presidency with effect from the 19th February 1863.

No. 216 of 1863.—Some difficulty having been experienced in consequence of there being no general Rule laid down for the payment of Commissariat Bills and Cheques drawn by the Commissariat Executive Department on Civil Treasuries, the following course is hereby directed to be adopted:—

The custom observed by the Pay Department is to be observed by the Commissariat Department in the payment of Bills.

Bills in duplicate, with original Vouchers, are to be sent to the Commissariat Executive Officers, duly receipted.

The Cheque of the Executive Officer on the Civil Treasury for the amount due on such Bills, with a Statement of sums deducted or disallowed, will, after local audit, be granted in favor of the Officer drawing the Bill who shall present such Cheque for realization, either himself or by a trustworthy subordinate, at the Treasury on which it is drawn.

*Fort William, the 20th March 1863.*

No. 217 of 1863.—Supernumerary Conductor Richard Vaughan, of the Ordnance Commissariat Department, employed in the Office of the Examiner, Ordnance Department, is promoted to the rank of Deputy Assistant Commissary of Ordnance (Supernumerary).

No. 218 of 1863.—The undermentioned Officers have reported their departure on the dates specified opposite to their respective names:—

Lieutenant A. W. O. Whin-	} <i>Newcastle, 17th</i>
yates, of the Royal Artillery,	
on leave for twenty months.	
General Order, Queen's	
Troops, of the 4th February	} January 1863.
1863	

Surgeon C. M. Smith, of the	} <i>Nubia, 24th</i>
Medical Department, Civil,	
Lahore, on leave for fifteen	
months. Government Gene	
ral Order No. 54 of the	} January 1863.
20th January 1863	

Captain A. E. Osborn, of the	} <i>Queen of the</i>
late 45th Regiment Native	
Infantry, Assistant Exami-	
ner in the Pay Department,	
on leave to the Cape of Good	} <i>South, 23rd Feb-</i>
Hope for one year. Govern-	
ment General Order No. 132	} ruary 1863.
of the 13th February 1863 ..	

Lieutenant R. Aislabie, of the	} <i>Salsette, 28th</i>
Royal Artillery, on leave to	
Europe. General Order,	
Queen's Troops, of the 12th	
February 1863	} February 1863,
...	

Second Captain J. R. Man-	} <i>Salsette, 28th</i>
derson, of the Royal Artil-	
lery, on Furlough for three	
years. General Order, Queen's	
Troops, of the 17th January	} February 1863,
1863	



Lieutenant C. S. DeF. Roche, of the late 6th European Regiment, doing duty with the 9th Bengal Cavalry, on leave for twenty months. Government General Order No. 128 of the 13th February 1863

Lieutenant and Brevet-Captain A. R. T. Passingham, Adjutant of the 29th Regiment, Madras Native Infantry, on leave for twenty months. Government General Order No. 154 of the 23rd February 1863

Apothecary R. D. Logg, of the Subordinate Medical Department, on leave for twenty months. Government General Order No. 75 of the 29th January 1863

Captain S. C. Woodcock, of the Royal Artillery, on leave for twenty months. General Order by the Commander-in-Chief dated 3rd March 1863

Major-General T. F. Flemyng, of Infantry, on leave for eighteen months. Government General Order No. 161 of the 27th February 1863

Major A. L. Busk, of the Bengal Staff Corps, Deputy Commissioner, Umballa, on leave for twenty months. Government General Order No. 172 of the 3rd March 1863

Captain C. S. W. Ogilvie, of the Bengal Staff Corps, Deputy Assistant Commissary General, on leave for twenty months. Government General Order No. 185 of the 6th March 1863

Captain J. Keer, of the late 60th Regiment Native Infantry, Deputy Assistant Commissary General, on leave for twenty months. Government General Order No. 172 of the 3rd March 1863

Lieutenant E. A. C. Lamber, of the late 1st European Bengal Fusiliers, Cantonment Joint Magistrate, Sealkote, on leave for eighteen months. Government General Order No. 189 of the 6th March 1863

Lieutenant R. Stewart, of the late 49th Madras Native Infantry, on leave for eighteen months. Government General Order No. 172 of the 3rd March 1863

Surgeon J. C. Bow, M. D., of the Medical Department, in Medical charge of the 31st (Punjab) Regiment Native Infantry, on Furlough for two years. Government General Order No. 171 of the 3rd March 1863

Simla, 11th March 1863.

Assistant Surgeon W. Watson, M. B., of the Medical Department, Civil, Banda, on leave for fifteen months. Government General Order No. 154 of the 24th February 1863

Surgeon-Major G. Harper, of the Medical Department, on leave for eighteen months. Government General Order No. 124 of the 11th February 1863

Holmsdale, 11th March 1863.

No. 219 of 1863.—The undermentioned Officers are permitted to proceed to Europe on leave of absence on Sick Certificate :—

Major Edward Moody Ryan, of the Bengal Staff Corps, Deputy Commissioner, Moulemein

Major William McNeile, of the Bengal Staff Corps, Deputy Commissioner, Ludiana

For twenty months.

Captain Charles William Nightingale, of the Bengal Staff Corps, Executive Engineer, Hill Roads, Department Public Works, Punjab

Lieutenant and Brevet-Captain William Cunningham, of the 28th Regiment Madras Native Infantry

For two years, under the old Regulations.

H. K. BURNS, Major,  
Offg. Secy. to the Govt. of India.

## PUBLIC WORKS DEPARTMENT.

GENERAL,—ESTABLISHMENTS.

No. 50.

Fort William, the 20th March 1863.

Transfer.—Baboo Radhica Narain Ghose, Assistant Engineer, Second Class, is transferred from Bengal to Hyderabad for employment on the Nagpoor Dawk Line.

J. P. BEADLE, Lieut.-Col., R. E.,  
Offg. Secy. to the Govt. of India.

## MARINE DEPARTMENT.

No. 282.

Port William, the 19th March 1863.

Notification.—Lieutenant G. C. Sconce, Indian Navy, received charge of the Office of Master\* 104, dated 27th January 1863. Attendant and Marine Store-keeper at Moulmein from Mr Neat Major on the forenoon of the 16th February 1863.

JOHN G. REDDIE,  
Secy. to the Govt. of India,  
Marine Department.

No. 4870.

The 3rd September 1862.

List of Persons entitled to Medals as noted below, whose Medals lie unclaimed in the Office of the Controller of Marine Affairs:—

## 1st China War.

Abree, Domingo	... Steamer "Nemesis."
Augustin, John	... " "Enterprize."
Cesar, Augustine	... " "Tenasserim."
Coco, F.	... " "Nemesis."
Colquhoun, J.	... " "Queen."
Conletts, Victor	... " "Nemesis."
DeCruz, D.	... " "Enterprize."
Domingos, M.	... " "Nemesis."
Domingo	... " "Queen."
Fairclough, H.	... Gunner, Steamer "Madagascar."
Francis, J.	... Steamer "Nemesis."
Gomes, A.	... " "Queen."
Gomes, A.	... " "Madagascar."
Gomes, R.	... " "Queen."
Gomes, A.	... " "Hooghly."
Green, T.	... 2nd Class Engineer, Steamer "Phlegethon."
Harley, H. L.	... 1st Engineer, Steamer "Nemesis."
Higgs, T.	... Engineer Apprentice, Steamer "Enterprize."
Hume, W.	... 2nd Officer, Steamer "Tenasserim."
Jesus, M.	... Steamer "Enterprize."
Lawrence, A.	... Petty Officer, Steamer "Madagascar."
Massiah, J.	... Steamer "Enterprize."
Miguel, F.	... " "Nemesis."
Noiton, G.	... 1st Engineer, Steamer "Tenasserim."
Pyra, P.	... Steamer "Madagascar."
Rosana, de P.	... " "Queen."
Sheriff, E.	... " "Madagascar."
Smith, J.	... " "Queen."
Symonds, R.	... " "Proserpine."
Thompson, J.	... 1st Engineer, Steamer "Pluto."
Wall, A. P.	... 1st Lieutenant, Steamer "Queen."

## Burmah Medals with Clasps for Pegu.

Barton, C.	... Engineer Apprentice, Steamer "Fire Queen."
Bendle, G. H.	... Apothecary, Steamer "Mahanuddy."
Bolt, C.	... Clerk in charge, Steamer "Pluto."
Bowen, C.	... 1st Engineer, Steamer "Mahanuddy."
Conway, M.	... Engineer Apprentice, Steamer "Damoodah."
Davidson, G.	... 1st Engineer, Steamer "Mahanuddy."
Denton, H. W.	... 3rd Officer, Surveying Vessel "Krishna."
Eckler, E.	... 2nd Officer of the Steamer "Damoodah."
Evans, G. W.	... Purser's Steward, Steamer "Nerbuddah."
Godfrey, W.	... Clerk, Steamer "Indus."
Godwin, M. F.	... A. B., Steamer "Pluto."
Halyburton, J.	... 2nd Officer, Steamer "Pluto."
Hodge, T.	... 2nd Officer of the Steamer "Lord William Bentinck."
Hood, J. H.	... Boatswain, "Phlegethon."
Jackson, R.	... Boatswain, Steamer "Fire Queen."
Keeney, J.	... Surgeon, Steamer "Proserpine."
Lawson, W. S.	... A. B., "Tenasserim."
Lodge, W.	... A. B., "Tenasserim."
Lowrey, W.	... Engineer Apprentice, Steamer "Hugh Lindsay."
Mackay, J.	... A. B., Steamer "Tenasserim."
Main, G.	... 3rd Engineer, Steamer "Proserpine."
Middleton, J.	... Surgeon, "Fire Queen."
Miller, J. M.	... Gunner, Steamer "Pluto."
Pope, J.	... Engineer Apprentice, Steamer "Pluto."
Ramsbottom, W.	... 2nd Officer, Steamer "Enterprize."
Reau, J. R.	... Midshipman, Steamer "Enterprize."
Reau, J. T.	... Commander, Steamer "Phlegethon."
Tassup, M.	... Surgeon, Steamer "Pluto."
Thompson, R. S.	... 3rd Officer, Steamer "Enterprize."
Tonze, W. B.	... Midshipman, Steamer "Pluto."
Twiden, F.	... Midshipman, Steamer "Tenasserim."
Woodley, J.	...

## India Medals.

Brown, William	... Ganges Flotilla.
Sanderson, R.	... Civil Service.

## Lucknow Medals.

Brien, J. J.

JOHN G. REDDIE,  
Offg. Controller of Marine Affairs.

## ORDERS by the LIEUTENANT-GOVERNOR of BENGAL.

No. 2077.

APPOINTMENTS.—The 16th March 1863.—Baboo Nilmoney Mitter, Officiating Deputy Collector, 24-Pergunnahs, to officiate also as a Deputy Magistrate, under Act XV. of 1843, and to exercise the full powers of a Magistrate in that District.

The 17th March 1863.—Mr. W. G. Young to be Junior Secretary to the Board of Revenue, but to continue to officiate, until further orders, as Commissioner of Chittagong.

Mr. R. P. Jenkins Officiating Magistrate and Collector of Beerbhoom, to be a Magistrate and Collector of the First Grade.

Mr. C. B. Garrett to be Joint Magistrate and Deputy Collector of Shahabad, but to continue, until further orders, in his present appointment in the 24-Pergunnahs.

Mr. F. Macnaghten to be Joint Magistrate and Deputy Collector of Patna.

Mr. J. H. Ravenshaw to be a Joint Magistrate and Deputy Collector of the Second Grade, continuing to officiate, until further orders, as Joint Magistrate and Deputy Collector of Shahabad.

Mr. H. T. Baker, First Grade Assistant Superintendent of Police in Lohardugga, is transferred to Hazareebaugh.

Mr. R. H. Ellis, Second Grade Assistant Superintendent of Police in Hazareebaugh, is transferred to Lohardugga.

Major J. C. Haughton to be First Class Deputy Commissioner in Sibsagar, but to continue to officiate, until further orders, as Commissioner of Assam.

Mr. S. H. Robinson to be a Member of the Municipal Committee of the Town of Canning on the Mutlah.

Mr. L. DeAbreu to officiate as a Deputy Magistrate, under Act XV. of 1843, and a Deputy Collector, under Regulation IX. of 1833, in the Patna Division, to be stationed at Shahabad, and to exercise the powers of a Subordinate Magistrate of the Second Class, as described in Section XXII. of the Code of Criminal Procedure (Act XXV. of 1861), in any or all of the Districts of that Division.

The 18th March 1863.—The Reverend T. P. Keene to be a Marraige Registrar in Midnapore.

Messrs. H. Bell and J. Westland to be Members of the Local Committee of Public Instruction at Jessore.

Moulavy Deen Mahomed, Deputy Magistrate and Deputy Collector, to the charge of the Sub-Division of Jehanabad, and to exercise the full powers of a Magistrate in Hooghly, in Burdwan.

Moulavy Mahomed Ulli Khan, Deputy Magistrate and Deputy Collector, to the charge of the Sub-Division of Nugwan, and to exercise the powers of a Subordinate Magistrate of the First Class, as described in Section XXII. of the Code of Criminal Procedure (Act XX. of 1861), and Section I., Act X. of 1854, in Midnapore. Moulavy Mahomed Ulli Khan is also empowered, under Section XXXVIII. of that Code, to hold the preliminary enquiry into cases triable by the Court of Sessions; to commit or hold to bail persons to take their trial before such Court of Sessions; and to exercise all the powers necessary for such purpose; and, under Section II., Act IX. of 1835, he is vested with the judicial powers of



a Superintendent of Salt Chowkies, as prescribed by Regulation X. of 1819 and Act XXIX. of 1833.

LEAVE OF ABSENCE.—*The 19th March 1863.*—Mr. J. Ward, Officiating Joint Magistrate and Deputy Collector of Dacca, for six months, under Section XIV. of the Covenanted Absentee Rules, together with ten days preparatory leave to reach the port of embarkation.

Baboo Obhoy Coomar Dutt, Judge of the Small Cause Court at Nurall, for fifteen days, on Medical Certificate, under Clause 2, Section V. of the Uncovenanted Absentee Rules, in extension of the leave granted to him on the 5th of December last.

*Erratum.*—In the Notification published in the *Calcutta Gazette* of the 7th instant, for Mr. Thornton Warner, Emigration Agent for Jamaica, read *Trinidad*.

A. EDEN,  
Secy. to the Govt. of Bengal.

### Public Works Department.—Bengal.

#### GENERAL.—ESTABLISHMENTS.

No. 54.

*The 18th March 1863.*

*Notifications.*—Colonel E. L. Ommanney, Royal Engineers, having been appointed in the Notification by the Government of India, Public Works Department, No. 49 of the 17th current, to officiate, until further orders, as Chief Engineer and Secretary to the Government of Bengal in this Department, assumed charge of his office this day before noon.

No. 55.

Captain J. G. R. Forlong, Superintending Engineer of the Second Class, resumed officiating charge of the Presidency Circle on the forenoon of this day.

No. 56.

*The 19th March 1863.*

*Posting.*—Mr. W. H. Longmore, Supervisor, transferred from the North-Western Provinces to Bengal in the Notification by the Government of India, Public Works Department, No. 24 of the 3rd ultimo, is posted to the Lower Assam Division.

#### LOCAL.

No. 57.

*The 19th March 1863.*

*Declaration.*—WHEREAS it appears to the Lieutenant-Governor of Bengal that land is required to be taken up at the public expense, for a public purpose, *viz.*, for the construction of Roads from Nowadah to Kajowlee and from Geriak to Luckheserai, also for the site of a First Class Chowkey near the Village of Geriak, it is hereby declared that for the above purposes the undermentioned land is required:—

1st.—A strip of land measuring about fourteen miles in length, and one hundred and ten feet in width, more or less, situated between the Town of Nowadah and the Village of Kajowlee, in Pergunnah Nurhut and Jurrab, in Zillah Behar.

2nd.—A strip of land measuring about thirty-eight miles in length, and thirty feet in width,

more or less, extending from the Village of Geriak in Pergunnah Nurhut, Zillah Behar, to the Railway Station at Luckheserai, Zillah Monghyr, and passing through or near to the Town of Sheikpoor, in Pergunnah Maldah, in Zillah Monghyr.

3rd.—A piece of land measuring four hundred feet in length, and one hundred and twenty feet in width, more or less, situated in the Village of English, Pergunnah Nurhut, in Zillah Behar.

2. This Declaration is made under the provisions of Section II. of Act VI. of 1857 to all whom it may concern.

E. L. OMMANNEY, Col., R. E.,  
Offg. Secy. to the Govt. of Bengal,  
in the Public Works Dept.

### ORDERS by the LIEUTENANT-GOVERNOR, N. W. Provinces.

POLICE DEPARTMENT.—No. 242A.—*Allahabad, the 12th March 1863.*—The following Notification issued by the Government of India, in the Military Department, is re-published for general information:—

No. 181, dated *Port William, the 5th March 1863.*—The leave of absence to Europe, on Sick Certificate, granted to Lieutenant L. Forbes (late of the 2nd Native Infantry), District Superintendent of Police, North-Western Provinces, now Captain in the Bengal Staff Corps, is to be considered as under the new Regulations for the period of twenty months.

No. 245A.—*The 14th March 1863.*—Three months' privilege leave of absence, under the Rules applicable to Military Officers in Civil employ, is granted to Captain R. Cadell, District Superintendent of Police in the Furruckabad District, from the 3rd April next.

Lieutenant N. M. T. Horsford, Assistant Inspector-General of Police in the Agra Division, is appointed to officiate as District Superintendent of Police in the Furruckabad District during the absence on leave of Captain Cadell, or until further orders.

REVENUE DEPARTMENT.—No. 337A.—*Allahabad, the 9th March 1863.*—Whereas it appears to the Government of the

North-Western Provinces that land is required to be taken up, at the public expense, for a public purpose, *viz.*, for a Charitable Dispensary in the District of Azimgurh, it is hereby notified that land to the extent, and in the village noted in the margin, is required for the said purpose.

2. This Declaration is made under Section II., Act VI. of 1857.

No. 353A.—*The 12th March 1863.* Whereas it appears to the Government of the North-Western Provinces that land is required to be taken up at the public expense, for a public purpose, *viz.*, for encamping grounds in the District of Bu-

District.	Village.	Quantity of Land required.
		A. R. P.
Azimgurh.	Aliwar ...	2 6 14

Pergunnah.	Village.	Quantity of Land required.
		A. R. P.
Budaon ...	Budaon Khas ...	23 1 0
Oojhane ...	Oojhane Khas ...	27 2 0
Oojhane ...	Kuchla ...	27 2 0
Budaon ...	Bimnawur ...	17 3 0

daon, it is hereby notified that lands in the villages, and to the extent specified in the margin, are required for the said purpose.

2. This Declaration is made under Section II., Act VI. of 1857.

No. 360 A.—*Allahabad, the 13th March 1863.*—Whereas it appears to the Government of the

Pergunnah	Mouzas	Quantity of Land required.
Secundrabad	Secundrabad	A. R. P.
	Nizampur	9 1 30
	Cheetee	13 3 15
	Nuzla Cheetee	0 2 35
	Total	3 0 20
		27 0 20

North-Western Provinces that land is required to be taken up at the public expense, for a public purpose, in the District of Boolundshuhur, viz., for the construction of a Road leading from Secundrabad to the Kherlee Hafizpore Railway Station, it is hereby notified that land in the villages, and to the extent specified in the margin, is required for the said purpose.

2. This Declaration is made under Section II., Act VI. of 1857.

GENERAL DEPARTMENT.—No. 1007A.—*Allahabad, the 10th March 1863.*—Three months' privilege leave of absence, under Section XII. of the Civil Absentee Rules, is granted to Mr. F. M. Bird, Officiating Magistrate and Collector of Allypore, from the 10th March 1863, or from the subsequent date on which he may avail himself of the same.

No. 1008A.—Mr. H. B. Webster, Joint Magistrate and Deputy Collector of the First Grade at Allypore, will officiate for Mr. F. M. Bird during his absence, or until further orders.

No. 1012A.—Mr. C. Pearson, M. A., Principal of the Government College at Agra, was a passenger on Board the *Candia*, which was left at sea by the Pilot on the 24th February 1863.

No. 1033A.—*The 11th March 1863.*—The following extract from a Notification issued by the Government of India, in the Military Department, is re-published for general information:—

No. 184, dated Fort William, the 6th March 1863.—The undermentioned Officers have reported their departure on the dates specified opposite to their respective names:—

*	*	*	*	*	*
*	*	*	*	*	*
*	*	*	*	*	*
*	*	*	*	*	*
*	*	*	*	*	*
*	*	*	*	*	*
*	*	*	*	*	*
*	*	*	*	*	*
*	*	*	*	*	*
*	*	*	*	*	*

Assistant Surgeon J. Duncan, M. D., of the Medical Department, Civil, Etah, on leave for eighteen months. Government General Order No. 137, of the 17th February 1863.

*	*	*	*	*	*
*	*	*	*	*	*
*	*	*	*	*	*
*	*	*	*	*	*

No. 1034A.—The following Notification issued by the Government of India, in the Military

Department, is re-published for general information:—

No. 186, dated Fort William, the 6th March 1863.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick Certificate:—

Assistant Surgeon Bamlet Walker Switzer, of the Medical Department, Civil Assistant Surgeon, Shahjehanpore. } For twenty months, under the new Regulations.

No. 1035A.—The following Notifications issued by the Government of India, in the Home Department, are re-published for general information:—

No. 1473, dated Fort William, the 3rd March 1863.—The President in Council is pleased to permit the Hon'ble G. F. Edmonstone to resign the Civil Service from the 9th instant.

No. 1477, dated Fort William, the 6th March 1863.—The President in Council is pleased to direct the following addition to be made to List No. II., published under date the 29th September 1854, of Parties authorized to send letters and Official *Gazettes* *bona fide* and *exclusively* on the Public Service, relating to the business of their respective Departments, without actual payment of postage, but only to the Authorities hereinafter named, viz., Uncovenanted Assistant attached to the Office of the Director of Public Instruction of Madras, and the Head Assistants severally to the Directors of Public Instruction in Bengal, Bombay, the North-Western Provinces, the Punjab, and the Central Provinces.

To all Officers in the Education Department.

No. 1049A.—*Allahabad, the 12th March 1863.*—The following Notification of the Government of India, in the Home Department, is re-published for general information:—

No. 1513, dated Fort William, the 7th March 1863.—Subject to the approbation of Her Majesty, His Excellency the Viceroy and Governor General of India having been pleased to appoint the Hon'ble E. Drummond, of the Bengal Civil Service, to be Lieutenant-Governor of the North-Western Provinces of the Bengal Presidency, the said Hon'ble E. Drummond, having taken the prescribed oaths, has this day assumed the office of Lieutenant-Governor of the North-Western Provinces of the Bengal Presidency.

The customary Salute was fired from the Ramparts of Fort William.

By Order of the President in Council,  
E. C. BAYLEY,  
Secy. to the Govt. of India.

Pending the arrival of the Hon'ble E. Drummond Mr. Rowland Money will conduct the current duties of the Government at Allahabad.

No. 1066A.—*Allahabad, the 13th March 1863.*—Mr. R. Simson, Officiating Magistrate and Collector of Boolundshuhur, is appointed to officiate as Secretary to the Government of the North-Western Provinces.

Mr. G. W. Colledge, Joint Magistrate and Deputy Collector of the First Grade at Boolundshuhur, is appointed to officiate as Magistrate and Collector of that District until further orders.

No. 1067A.—Captain A. T. Armstrong is appointed to be Aide-de-Camp to the Hon'ble the Lieutenant-Governor with effect from the 8th March 1863.



No. 1070A.—Mr J. H. Morris, Collector and Magistrate of Allahabad, is temporarily placed in charge of the current duties of the Office of the Commissioner of the Allahabad Division from the date on which he may receive charge of the same from Mr. C. B. Thornhill.

No. 1074A.—*The 14th March 1863.*—Six months' leave of absence, under Section V. of the Uncovenanted Service Absentee Rules, is granted to Mr. W. R. N. James, Extra Assistant Commissioner of the first Class at Jhansie, from the 15th March 1863, or from the subsequent date on which he may avail himself of the same.

No. 1088A.—The following Notifications issued by the Government of India, in the Home Department, are re-published for general information. —

No. 1418A., dated Fort William, the 3rd March 1863.—In supersession of the Notification No. 1473 of this date, the President in Council is pleased to permit the Hon'ble George Frederick Edmonstone to resign the Civil Service from the date on which the Steam-ship *Simla* may be left by the Pilot at sea.

No. 1507A., dated the 7th March 1863.—Mr. George Boles Pasley, of the Civil Service, is permitted to proceed to Europe on Furlough for a period of two years from the date of embarkation.

No. 1519, dated the 9th March 1863.—The services of Assistant Surgeon J. G. Pilcher are placed at the disposal of the Government of the North-Western Provinces.

By Order of the Government of the North-Western Provinces,

J. D. SANDFORD.

Offg. Secy. to Govt., N. W. P.

PUBLIC WORKS DEPARTMENT.—No. 1350.—*Allahabad, the 9th March 1863.*—Appointment.—Mooshtak Ahmed, Temporary Sub-Overseer of the First Class Third Grade, attached to the Agra Irrigation Works, is confirmed in his appointment.

No. 1396.—*The 10th March 1863.*—Promotion.—Lieutenant J. Birney, Royal Engineers, Assistant Engineer, Second Class, attached to the Bareilly Division, Public Works, is promoted to the grade of Assistant Engineer, First Class, *vice* Lieutenant Eckford, promoted.

No. 1416.—*Leave of Absence.*—The one month's privilege leave granted to Sub-Engineer Conductor D. McLeod, attached to the Benares Division, Public Works, in Notification No. 1193, dated 21st November 1862, from the 15th December 1862, is extended to the 20th January 1863.

By Order of the Hon'ble the Lieutenant-Governor, North-Western Provinces,

W. E. MORTON, *Lieut.-Col.*,

Secy. to Govt., N. W. P.

#### ORDERS by the LIEUTENANT-GOVERNOR, Punjab Provinces.

JUDICIAL DEPARTMENT.—*The 12th March 1863.*—No. 194.—In continuation of No. 22, dated 14th January last, the Hon'ble the Lieutenant-Governor is pleased to vest the undermentioned

Officers with the powers described in Section I. of Act XV of 1862:—

Mr. W. Blyth, Deputy Commissioner of Jhang.  
Captain J. R. G. G. Shortt, Officiating Deputy Commissioner of Kohat.

*The 13th March 1863.*—Appointment.—No. 202.—Assistant Surgeon A. M. Dallas, Superintendent, Lahore Central Jail, to officiate as Inspector-General of Prisons, Punjab.

POLICE DEPARTMENT.—*The 12th March 1863.*—Leave.—No. 183.—Lieutenant J. C. Baillie, District Superintendent of Police, has obtained leave of absence for eight weeks with effect from the date of his availing himself of the same, preparatory to applying for six months' leave to Europe.

GENERAL DEPARTMENT.—*The 12th March 1863.*—Leave.—No. 561.—Mr. G. Knox, Assistant Commissioner, has obtained privilege leave for three months with effect from the 15th May next, or such date as he may avail himself of the same.

*The 13th March 1863.*—No. 565.—Mr. T. C. Vaughan, Extra Assistant Commissioner, embarked for Europe in the Ship *Blenheim*, which was left by the Pilot at sea on the 7th February 1863.

Appointments.—No. 567.—Major O. J. McL. Farrington, Deputy Commissioner, to officiate as Commissioner of the Umritsur Division.

No. 568.—Major T. W. Mercer, Assistant Commissioner, to officiate as Deputy Commissioner of Umritsur.

*The 14th March 1863.*—Appointment.—No. 569.—Assistant Surgeon H. Thom, M. D., to the Civil Medical charge of Dalhousie.

T. D. FORSYTH,

Offg. Secy. to Govt., Punjab.

MILITARY DEPARTMENT.—*The 11th March 1863.*—1ST PUNJAB CAVALRY.—Promotion.—No. 52.—Resaidar Morad Alli Khan to be Resaidar, with effect from 20th December 1862, in room of Resaidar Sadoolla Khan, discharged.

Jemadar Kubeer Khan, to be Resaidar, from 20th December 1862, in room of Rehim Alli Khan, discharged.

S. BLACK, *Captain*,  
Secy. to Govt., Punjab.

PUBLIC WORKS DEPARTMENT.—*The 10th March 1863.*—No. 7565.—The services of Sub-Surveyor Eusoof Ali, of the Peshawar Division, are dispensed with from date of receipt of this Order.

*The 12th March 1863.*—No. 7653.—Mr. D. Kirwan, Superintendent, Indus Canals, is allowed six months' leave, on Medical Certificate, from the 16th April next, or such date as he may avail himself of it, under Section V. of the Uncovenanted Service Leave Rules.

*The 13th March 1863.*—No. 7686.—With reference to Punjab Gazette Order No. 6333, dated 30th January 1863, Captain C. W. Hutchinson, Superintending Engineer, Second Circle, availed himself, on 12th February, of the privilege leave granted to him and returned on 28th idem.

G. NEWMARCH, *Lieut.*,  
Asst. Secy. to Govt., Punjab.

## Opium Notification.

NOTICE is hereby given, that the Fourth sale of Opium, the provision of 1861-62, will be held at the Exchange Hall on Monday, the 6th of April 1863, at 11 A. M., and will comprise 3,300 Chests, viz.,—

Behar Opium	...	1,860
Benares Opium	...	1,440
Total Chests		3,300

2. The general Conditions of the sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 8th November 1862 and published in the *Government and Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 11th and 21st April 1863 respectively, that is to say, no Bank of Bengal Receipts, Company's Paper, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by Purchasers in the Sale Room, will be received after 4 P. M. of Saturday, the 11th April 1863, and no Bank of Bengal Receipts in full payment of Lots will be accepted after 4 P. M. of Tuesday, the 21st April 1863.

4. In addition to the quantity above advertized for sale, the following quantities, more or less, of Behar and Benares Opium of 1861-62 will be brought to sale, in the present year, on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates should circumstances render it expedient to do so:—

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Wednesday, 6th May 1863	1,860	1,440	3,300
Ditto Monday 8th June "	1,860	1,440	3,300
Ditto Thursday, 9th July "	1,860	1,440	3,300
Ditto Monday, 10th Aug. "	1,860	1,440	3,300
Ditto Monday, 7th Sept. "	1,860	1,440	3,300
Ditto Monday, 5th Oct. "	1,860	1,440	3,300
Ditto Monday, 9th Nov. "	1,860	1,440	3,300
Ditto Monday, 7th Dec. "	1,853	1,464	3,317
Total	14,873	11,544	26,417

By Order of the Board of Revenue,

J. P. GRANT,

*Offg. Junior Secretary.*

The 3rd March 1863.

## Education Notice.

## MEDICAL COLLEGE.

1. THE Calcutta Medical College Session of 1863-64 will commence on the 15th June next.

2. Students who may be desirous of commencing their studies are requested to apply to the Principal of the Medical College, between the hours of 10 A. M. and 4 P. M., on or before the 15th May next, when the vacant Free Presentations will be awarded, and the vacancies in the Class of Scholarship-holders filled up.

3. The possession of the "Entrance Examination" Certificate of the Calcutta University will entitle Students to enter the Medical College without further Examination.

4. Under certain conditions (which may be learned on application to the Principal) Students will be admitted in anticipation of passing the University Entrance Examination, but in all cases under the clear proviso that they will present themselves for that Examination when next held.

5. The course of Instruction given in the Calcutta Medical College is framed to meet the requirements of the Calcutta University for obtaining its Degrees in Medicine and Surgery.

6. The Candidates who may fail in obtaining a Scholarship or a Free Presentation may be admitted as Students on payment of an Entrance Fee of 15 Rupees, and a further sum of 5 Rupees monthly during the period of their stay at the College, provided they enter into a guarantee to follow out the College Curriculum to a close and to graduate at the Calcutta University. Candidates who do not intend to graduate in Calcutta, or who wish to attend only a few Courses of Lectures, may be admitted as casual Students on payment of a Fee of 40 Rupees for each Course of Lectures, or 60 Rupees for six months' attendance upon any single branch of Hospital practice.

7. The Certificates of Lectures and Hospital attendance of the College are recognized by the University of London, the Royal College of Surgeons of England, and the Worshipful Society of Apothecaries of London.

NORMAN CHEYMERS, M. D.,

*Principal, Medical College.*

CALCUTTA;  
MEDICAL COLLEGE OFFICE,  
The 19th March 1863.

## Abkaree Notification.

NOTICE is hereby given, under Section XXX, Act XI. of 1849, that two Bags containing Ganjah, weighing gross one Maund, was found, on the 16th instant, on board the Ship *Edward Percy*, lying in the River Hooghly, and for which no claimant has appeared. Information will therefore be laid before the Magistrate of the Southern Division Police, Calcutta, on the 20th April 1863 with a view to confiscation of the Drug.

G. B. HAMPTON,

*Abkaree Superintendent.*

The 18th March 1863.



## ADVERTISEMENT OF SALE.

NOTICE is hereby given, that the Zemindaree rights of Government to the Khas Mehals situated in the District of Midnapore, and mentioned in the Statement hereto annexed, will be put up to sale, under orders of the Board of Revenue, as communicated in their Secretary's letter No. 182, dated 13th December 1862, in the Midnapore Collectorate, on Monday, the 6th day of April 1863, corresponding with the 26th Choit 1270 Umlee, and the 25th Choit 1269 Bengallee.

The Purchasers of the Mehals will be subject to the undermentioned Conditions :—

## CONDITIONS OF SALE.

- 1st.—The Estates to be sold to the highest bidders above the upset price.
- 2nd.—When the amount of purchase money does not exceed Rupees 100, the whole amount to be paid down at once. When the amount of purchase money exceeds Rupees 100, a deposit, at Rupees 25 per cent., to be at once made upon the amount bid; the same to be forfeited to Government if the whole amount of purchase money be not paid by noon of the 15th day after the sale, or if the day be a close holiday, then on the first Office day, reckoning the day of sale as one, and the Mehal will be again put up to sale at the risk of the former Purchaser.
- 3rd.—The sale to be subject to existing leases and to the right conferred by the Settlement proceedings and laws in force, and Purchasers to be bound to respect the rights of resident cultivators who have signed the Jumma-bundees made by the Revenue Authorities.
- 4th.—The annual Embankment charges of the Mehals which are assessed with such charges will be paid by the Purchasers, as heretofore paid by Government, proportionately with other Zemindars. The existing arrangements for the repairs and maintenance of the Embankments will remain in force.
- 5th.—In addition to the ordinary Sudder Jummas fixed on the Estates Purchasers will be bound to pay an annual sum calculated at one per cent. on the Sudder Jummas, to be devoted to the construction of roads and improvement of communications. This sum will be leviable in the same manner as other arrears of Revenue.

1	2	3	4	5	6	7
Number of Lot.	Collectorate Towjee Number.	Name of Mehals and Pergunnahs.	Area.	Sudder Jumma.	Upset Price.	REMARKS.
			B. C. B.	Rs. As. P.	Rs. As. P.	
1	Under Hoodas of Mehal No. 191 Towjee. After sale each Estate will be separately numbered in the Towjee.	66-67 Chundeeopore, in Pergunnah Kedarkoond ...	583 7 12	313 0 0	626 0 0	Let in farm to the end of 1271 Umlee.
2		68 Beloon, Pergunnah Kedarkoond ...	164 19 8	140 0 0	280 0 0	Ditto.
3		69 Khamar Koosoomda, Pergunnah Kedarkoond ...	16 12 8	16 0 0	32 0 0	Ditto.
4		72 Borooce, Pergunnah Kedarkoond ...	70 16 0	62 0 0	124 0 0	Ditto.
5		74 Doojeeopore, Pergunnah Kedarkoond ...	438 16 8	194 0 0	388 0 0	Ditto.
6		75 Tagareea, Pergunnah Kedarkoond ...	335 4 12	159 0 0	318 0 0	Ditto.
7		9 Nischanta, Pergunnah Khurugpoor ...	427 7 8	389 0 0	778 0 0	Ditto.
8		50 Barogarea Rutunpoor, Pergunnah Khurugpoor ...	65 18 4	27 0 0	54 0 0	Ditto.

MIDNAPORE COLLECTORATE, }  
The 24th January 1863. }

H. MADOCKS,  
Officiating Collector.

## ADVERTISEMENT OF SALE.

NOTICE is hereby given, that the Zemindary right of Government to the several Khas Mehals, situated in the District of Hooghly, and mentioned in the Statement hereto annexed, will be put up to sale, under Orders of the Board of Revenue, No. 190, dated 23rd December 1862, in the Hooghly Collectorate, on the 6th April 1863, corresponding with the Bengally date 25th Chytr 1269. The Purchaser of such Mehals will be subject to the Conditions laid down below :—

## CONDITIONS OF SALE.

1st.—The Estates to be sold, with the Sudder Jummas given below, to the highest bidder above the upset price.

2nd.—The sale to be subject to existing leases and to the right conferred by the Settlement proceedings and laws in force, and Purchasers to be bound to respect the rights of resident cultivators who have signed the Jumma-bundee made by the Revenue authorities.

3rd.—If the amount of purchase money do not exceed 100 Rupees, the whole amount will be paid down at once.

4th.—If the amount of purchase money exceed 100 Rupees, a deposit to be at once made of Rupees 25 per cent. upon the amount bid; the same to be forfeited to Government, and the sale cancelled, if the whole amount of purchase money be not paid by noon of the 15th day after the sale, reckoning the day of sale as one, and the Mehal will again be put up for sale at the risk of the former Purchaser.

5th.—The Purchaser will be bound to pay an additional sum of one per cent. on the Sudder Jumma for construction of roads and improvement of communications. This sum will be levied by the same process as other arrears of Revenue on the Estate.

Number.	Towice Number.	Names of Mehals and Pergunnahs.	Area.	Sudder Jumma.	Upset Price.	REMARKS.
			B. C. Ch.	Rs. As. P.	Rs. As. P.	
39	2200	Chakran Jolahghata, Pergunnah Sing- hoor	49 6 12	94 13 4	189 10 8	
42	2203	Chakran Taghorah, Pergunnah Balee- gory	8 7 10	15 1 5	30 2 10	
44	2205	Chakran Khagrahkoondoo, Pergunnah Voorsitto	10 4 14	17 0 10	34 1 8	
45	2206	Chakran Belband, Pergunnah Voorsitto	30 6 14	68 9 9	137 3 6	
47	2208	Chakran Gungatieree, <i>alias</i> Gungaram Batty, Pergunnah Voorsitto	5 16 14	6 3 9	12 7 6	
51	2212	Chakran Poorondurpoor, Pergunnah Chowmooha	6 10 0	17 10 3	35 4 6	
53	2214	Chakran Vadhoor, Pergunnah Jehan- abad	62 12 0	64 8 10	129 1 8	
55	2216	Chakran Colloopookhooriah, Per- gunnah Jehanabad	1 5 0	2 3 0	4 6 0	
57	2218	Chakran Pachbaria, Pergunnah Baleah	75 10 6	159 4 3	318 8 6	
59	2220	Chakran Beengran, Pergunnah Voor- sitto	15 18 0	43 7 0	86 14 0	
60	2221	Chakran Manikopat, Pergunnah Biarah	20 1 0	45 1 8	90 3 4	
62	2223	Chakran Kamarkoondoo, Pergunnah Cundepore	38 17 4	98 14 3	197 12 6	
80	3444	Majeepoor, Pergunnah Voorsitto	1,083 11 8	892 11 0	1,785 6 0	
84	3448	Tatsally, Pergunnah Voorsitto	1,591 2 7	1,337 7 6	2,674 15 0	
54	2215	Chakran Sabulsinghopoor, Pergunnah Jehanabad	14 9 12	2 0 0	.....	This Mehal will be sold rent-free to the highest bidder.

HOOGHLY COLLECTORATE, }  
The 23rd February 1863. }

A. V. PALMER,  
Collector.



## ADVERTISEMENT OF SALE.

NOTICE is hereby given, that the Zemindary right of Government to the undermentioned Khass Mehals, situated in the District of Purneah, will be put up to sale, under Order of the Board of Revenue, No. 24 of the 10th February 1863, in the Purneah Collectorate, on Monday, the 6th of April 1863, corresponding with 25th Chyite Bengallee 1269, and 2nd Bysack 7270 Fuslee.

The Purchasers of such Mehals will be subject to the Conditions laid down below :

## CONDITIONS OF SALE.

1<sup>st</sup>.—The Estates to be sold, with the Sudder Jumma entered against each below, to the highest bidder above the upset price.

2<sup>nd</sup>.—The sale to be subject to existing leases and to the right conferred by the Settlement proceedings and laws in force, and Purchasers to be bound to respect the rights of resident cultivators who have signed the Jumma-bundee made by the Revenue Authorities.

3<sup>rd</sup>.—If the amount of purchase money do not exceed Rupees 100, the whole amount to be paid down at once.

4<sup>th</sup>.—If the amount of purchase money exceed Rupees 100, a deposit to be at once made of 25 Rupees per cent. upon the amount bid; the same to be forfeited to Government, and the sale cancelled, if the whole amount of purchase money be not paid by noon of the 15th day after the sale, reckoning the day of sale as one, and the Mehals will again be put up for sale at the risk of the former Purchaser.

5<sup>th</sup>.—Under the Board's Order No. 17, dated 28th February 1862, Purchasers shall be bound to pay for the construction of roads and improvement of communication one per cent. on the total Sudder Jumma assessed from the date of entry upon their purchase. This sum will be leviable in the same manner as other arrears of Revenue.

Number.	Towjee Number.	Names of Mehals and Pergunnahs.	Area.	SUDDER JUMMA.			Upset Price.	REMARKS.
				Jumma assessed.	Road Cess.	Total Sudder Jumma.		
				Rs. As. P.	Rs. As. P.	Rs. As. P.	*Rs. As. P.	
9	5	Turf Kosmain, Pergunnah Kasimpore ...	3,342 9 11	133 3 5	1 5 6	134 8 11	266 0 0	
12	188	Ramnuggur Chukla Kishenpore Beharee, Pergunnah Dhurmpore ...	96 0 0	1 0 0	0 0 2	1 0 2	2 0 0	
13	189	Kishenpore Beharee <i>alias</i> Koolgawan, Pergunnah Dhurmpore ...	102 1 0	1 8 0	0 0 3	1 8 3	3 0 0	
25	442	Burdaha, Pergunnah Harawat ...	138 14 0	7 0 0	0 1 2	7 1 2	14 0 0	
51	289	Bishenpore Chintamun, Pergunnah Dhurmpore ...	285 3 0	8 0 0	0 1 4	8 1 4	16 0 0	
62	308	Mooradpore, Pergunnah Dhurmpore ...	200 11 0	8 0 0	0 1 4	8 1 4	16 0 0	
63	421	Baisa Govindpore, Pergunnah Dhurmpore ...	400 0 0	2 0 0	0 0 4	2 0 4	4 0 0	
64	758	Bhutabaree, Pergunnah Sreepore ...	477 0 0	14 12 10	0 2 6	14 15 4	30 0 0	
66	792	Baghartal, &c., Pergunnah Kankjote ...	216 9 0	4 10 5	0 0 9	4 11 2	10 0 0	
78	496	Doomraill Durub, Pergunnah Dhurmpore ...	126 18 0	2 0 0	0 0 4	2 0 4	4 0 0	
83	532	Choosur Kumargawan, Pergunnah Dhurmpore ...	366 18 0	10 0 0	0 1 8	10 1 8	20 0 0	
84	456	Shahgowra, Pergunnah Dhurmpore ...	146 16 0	2 0 0	0 0 4	2 0 4	4 0 0	
91	296	Deera Khawaspore, Pergunnah Dhurmpore ...	93 7 0	2 0 0	0 0 4	2 0 4	4 0 0	
92	306	Deera Khawaspore, Pergunnah Dhurmpore ...	151 17 0	2 0 0	0 0 4	2 0 4	4 0 0	

JOHN BEAMES,

Officialing Collector.

PURNEAH COLLECTORATE, }  
The 27th February 1863.

## ADVERTISEMENT OF SALE.

NOTICE is hereby given, that the Zemindarry right of Government to the Khas Mehal, situated in the District of Midnapore, and mentioned in the Statement hereto annexed, will be put up to sale, under orders of the Board of Revenue, as communicated in their Secretary's letter No. 49, dated the 3rd March 1863, in the Midnapore Collectorate, on Thursday, the 9th day of April 1863, corresponding with the 29th Chyite 1270 Umla and the 28th Chyite 1269 Bengalee.

The Purchaser of the Mehal will be subject to the undermentioned Conditions:—

## CONDITIONS OF SALE.

- 1st.—The Estate will be sold to the highest bidder *above* the upset price.
- 2nd.—If the amount of purchase money do not exceed Rupees 100, the whole amount is to be paid down at once. If the amount of purchase money exceed Rupees 100, a deposit of Rupees 25 per cent. is to be at once made upon the amount bid; the same to be forfeited to Government if the whole amount of purchase money be not paid by noon of the 15th day after the sale, or if the day be a close holiday, then on the first Office day, reckoning the day of sale as one, and the Mehal will be again put up to sale at the risk of the former Purchaser.
- 3rd.—The sale to be subject to existing leases and to the right conferred by the Settlements proceedings and laws in force, and Purchaser to be bound to respect the rights of resident cultivators who have signed the Jummaabundee made by the Revenue Authorities.
- 4th.—In addition to the ordinary Sudder Jumma fixed on the Estate, Purchaser will be bound to pay an annual sum calculated at one per cent. on the Sudder Jumma, to be devoted to the construction of roads and improvement of communications. This sum will be leviable in the same manner as other arrears of Revenue.

1.	2.	3.	4.	5.	6.	7.
Number of Lot.	Collectorate Towjee Number.	Name of Mehal and Pergunnah.	Area.	Sudder Jumma.	Upset Price.	REMARKS.
			B. C. B.	Rs. As. P.	Rs. As. P.	
1	1794	Moondoomaree Brindaban Chuck, Pergunnah Turf Erinch.	213 7 15	70 0 11	140 1 10	Let in farm to the end of 1278 Umlee

MIDNAPORE COLLECTORATE, }  
The 16th March 1863.

F. R. COCKERELL,  
Collector.

*Sheriff's Sale; Calcutta, the 21st March 1863.*

NOTICE is hereby given, that on Thursday, the sixteenth day of April next, precisely at the hour of 12 o'clock at noon, the Sheriff of Calcutta will put up to Public Sale at the Lower Verandah of the Court House, near the entrance into the Sheriff's Office, by virtue of a Writ of *Fieri Facias* in his hands against the Effects of Poornoo Chunder Mozoomdar—

1. The Right, Title, and Interest of the said Poornoo Chunder Mozoomdar, of, in, and to a Lower-roomed brick-built family Dwelling-house and a Tank, with the piece of land thereunto belonging, surrounded by brick-wall, with several trees growing thereon, containing by estimation eight biggahs, more or less, situate, lying, and

being at a place called Shodepore in Permanundpore, in Pergunnah Purdhooniapore, and in the Zillah of Baraset.

2. Also a Talook consisting of two Mouzahs, namely, Mouzah Deebuck and Mouzah Chaimaulpore, situate, lying, and being at Deebuck, in Pergunnah and Zillah aforesaid.

3. And also an Auband occupied by Ryots, containing by estimation six hundred biggahs of land, more or less, situate, lying, and being at Mouzah Ghaz Ghonah, in Pergunnah Dhurshals, and in the Zillah of the 24. Pergunnahs.

The Conditions of Sale may be known by applying at the Sheriff's Office.

S. GLADSTONE,  
Sheriff.



**Notice.**

No. 12 of 1862-63.

It is intended about the 15th of April next to hold, at the Government Timber Depôt, Rangoon, a sale of about 8,000 logs of Teak Timber. Further particulars will appear hereafter.

By Order of the Officiating Conservator of Forests, British Burmah,

A. S. MACDONALD,

*Asst. Conservator of Forests, Rangoon.*

OFFICE OF THE ASSISTANT  
CONSERVATOR OF FORESTS;  
Rangoon,  
The 13th February 1863.

**Notice.**

TO CONTRACTORS AND OTHERS.

*Construction of Extensive Works in North Canara.*

HARBOUR WORKS.  
PUBLIC BUILDINGS.  
ROADS, &c.

THE undersigned is not prepared with detailed Plans and Estimates, but is ready to close with any Contractor, for a limited period, on a reasonable Schedule of rates for Public Works of all descriptions being submitted.

2. Contractors and others are invited to visit Sedasheghur or send their Agents to draw up Schedule of rates.

3. Terms—No advances to be made. Work to be paid for monthly as actually measured and performed to the satisfaction of the undersigned.

4. The undersigned does not bind himself to accept the lowest or any Schedule.

GEO. A. SEARLE, Captain,  
*Special Asst. Engineer,  
for Acting Executive Engineer,  
North Canara.*

**Notice**

Is hereby given, that Sundry Effects belonging to the late MR. PRESTON PUDNEY, a British subject, who died at Chatack, date unknown, are under the Seal of this Court, and will be delivered to any person legally authorized to receive the same.

R. N. SHORE,  
*Judge.*

SYLHET;  
*Judge's Court,*  
The 13th March 1863.

PURSUANT to an order of the High Court of Judicature at Fort William in Bengal, in its ordinary original Civil jurisdiction, made in the matter of the Estate of William Amys Rolfe, deceased, the Creditors of the said William Amys Rolfe, late a Surgeon in the Service of the Hon'ble East India Company, on their Bengal Establishment, who died on or about the month of August one thousand eight hundred and fifty-seven, are by their Solicitors, on or before the thirty-first day of March next, to come in and prove their debts before the Hon'ble Sir Mordaunt Lawson Wells, one of the Judges of Her Majesty's High Court of Judicature at Fort William in Bengal, at the Court House, in Esplanade Row, or before such other of the Judges of the said High Court as may be then sitting on references, or in default thereof they will be peremptorily excluded from the benefit of the said order. Wednesday, the fifteenth day of April one thousand eight hundred and sixty-three, at ten o'clock in the forenoon, at the said Court House, is appointed for hearing and adjudicating upon the claims.

Dated this 28th day of February 1863.

R. BELCHAMBERS,  
*Registrar.*

SANDES, STACK, AND CO.,  
*Solicitors for the Plaintiff.*

**Bank of Bengal,**

*The 20th March 1863.*

Notice is hereby given that the Directors have made the following appointments, viz.,—

MR. W. MACFARLANE, Acting Agent of the Benares Branch.

MR. D. KENNEDY, Agent of the Dacca Branch.

MR. W. E. CARBERY, Interim Agent of the Lucknow Branch.

By Order of the Directors,  
GEO. DICKSON,  
*Secy and Treasurer.*

**Bank of Bengal Rates.**

*The 19th March 1863.*

**DISCOUNT.**

On Private Bills and Notes	...	7 per Cent.
" Drafts and Bills accepted by Local Banks	...	5 "
" Promissory Notes with one name protected by security of Government Paper or Railway Shares	...	5½ "
" Government Acceptances	...	5 "

**INTEREST CHARGED.**

On Fixed Loans on Deposit Government Paper or Railway Shares	...	6 per Cent.
" Ditto ditto ditto Goods	...	7 "
" Cash Credits on Deposit of Government Paper or Railway Shares	...	6 "
" Ditto ditto ditto Goods	...	7 "

*No Credit opened for a less sum than 5,000 Rupees. A Commission of one-eighth per cent. charged on the amount of the Credit.*

**RATES OF ADVANCE.**

4 per cent. Stock Receipts	Sa. Rs. 100...	Co.'s Rs. 105	Co.'s Rs. 95
4 Ditto Government Paper	" 100	" 105	" 95
4 Ditto ditto ditto	"	" 100	" 95
5 Ditto ditto ditto	"	" 100	" 105
5½ Ditto ditto ditto	"	" 100	" 110

On Goods  $\frac{1}{2}$  of approved valuation.

Statement of the Affairs of the Bank of Bengal for the Week ending 18th March 1863.

LIABILITIES.		ASSETS.	
	Rs. As. P.		Rs. As. P.
Proprietors' Capital paid up	1,00,00,000 0 0	Government Securities, Investment No. 1	16,06,763 3 7
Reserve Fund	10,88,445 15 8	Loans on Government Securities at Head Office and Branches	86,61,060 0 0
General Treasury Balance at Head Office	3,87,48,333 4 4	Accounts of Credit on ditto	10,77,114 1 8
Ditto ditto at Branches	20,06,448 11 11	Merchandise Bills discounted at ditto	81,27,859 0 11
Other deposits at Head Office and Branches	4,07,54,782 0 3	Dead Stock ditto	2,30,147 0 2
Bank Post Bills, &c.	1,30,77,164 3 10	Stampers ditto	9,041 12 0
Bank Notes outstanding	5,30,455 15 6	Bankers' Balance	1,83,731 7 8
Sundries	17,90,634 0 0	Sundries	6,71,790 0 0
	6,56,411 4 4		2,03,57,897 6 7
		Treasury Reserve in Coin at Head Office	2,33,20,067 4 3
		Ditto ditto at Branches	8,63,739 8 11
		Ditto invested in Government Securities and claims against Government	2,40,96,706 13 1
		Bank's Reserve in Notes at Head Office	85,21,338 0 2
		Ditto in Silver	2,36,19,072 13 3
		Ditto in Notes at Branches	1,22,21,712 13 1
		Ditto in Silver	48,07,319 6 8
			1,70,20,032 3 9
			7,01,98,802 7 7

D. Woods,  
Chief Accountant and Deputy Secretary.

By Order of the Directors,  
Geo. Dickson,  
Secretary and Treasurer.

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of Louis } On Saturday, the 7th  
Albert DeCroyer, an } day of March instant,  
Insolvent. } it was ordered that Sa-  
tuesday, the 18th day of April next, be appointed for the further hearing of this matter, and that, unless cause be shewn to the contrary in that day, the said Insolvent be discharged personally as well as to his after acquired property from all liability for debts, claims, and demands of and against the said Insolvent at the time of the filing of his petition for relief.

Beeby and Rutter, Attorneys.

Chief Clerk's Office, the 17th March 1863.

In the matter of William } Notice, that an appli-  
Seaton, formerly of Al- } cation for an *ad interim*  
lahabad, a Coach-builder } protection order has been  
and Hotel Proprietor, at } this day made by the  
present residing at Seal- } said Insolvent, and that  
dah, Suburbs of Cal- } such application will be  
cutta, a British subject, } heard and disposed of by  
employed in the Eastern } the Acting Commis-  
Bengal Railway, an In- } sioner of the Insolvent  
solvent. } Court on Friday, the  
27th day of March instant, at the hour of 10 o'clock in the forenoon.

"Any Creditor of the said Insolvent desirous of opposing such application must appear before the said Court at the time and place aforesaid."

Insolvent in person.

In the matter of William } On Thursday, the  
Seaton, formerly of Al- } 19th day of March in-  
lahabad, a Coach-builder } stant, it was ordered  
and Hotel Proprietor, at } that the matters of the  
present residing at Seal- } petition of the said In-  
dah, Suburbs of Cal- } solvent be heard on  
cutta, a British subject, } Saturday, the 6th day  
employed in the Eastern } of June next, and that  
Bengal Railway, an In- } the said Insolvent do  
solvent. } then attend to be ex-  
amined before the said Court.

Insolvent in person.

In the matter of Wil- } Notice, that the peti-  
liam Seaton, former- } tion of the said Insol-  
ly of Allahabad, a } vent seeking the benefit  
Coach-builder and Hotel } of the Act XI. Vic.,  
Proprietor, at present } cap. XXI., was filed in  
residing at Sealdah, } the Office of the Chief  
Suburbs of Calcutta, a } Clerk on the 19th day  
British subject, employ- } of March instant, and  
ed in the Eastern Ben- } by an order of the same  
gal Railway, an Insol- } date the Estate and  
vent. } Effects of the said Insol-  
vent were vested in the Official Assignee.

Insolvent in person.



In the matter of Thomas } On Monday, the 16th  
Walter Macguire, of No. } day of March instant,  
12, Waterloo Street, in } it was ordered that the  
Calcutta, formerly in the } hearing of this matter  
employ of Messrs. Bras- } do stand adjourned until  
sey, Wythe and Co., of } Saturday, the 11th day  
No. 4, Park Street, in } of April next, and that  
Calcutta, an Insolvent, } the order made in this  
matter for the *ad interim* protection of the said  
Insolvent from arrest be enlarged to the said 11th  
day of April next, and that the said Insolvent  
do then attend to be examined before the said  
Court.

Temple and Fenn, Attorneys.

Chief Clerk's Office, the 20th March 1863.

### People's Bank of India "Limited."

THE Fifth Ordinary General Meeting of Share-  
holders will be held at the Office of the Bank, No.  
3, Hare Street, on Saturday, the 28th instant, at  
3 P. M., to receive the Report of the Directors to  
declare a Dividend and to transact any other  
business that may be brought forward.

By Order of the Directors,

R. E. K. WILKINSON,  
Manager.

CALCUTTA, }  
The 17th March 1863. }

### The Bengal Coal Company "Limited."

REGISTERED UNDER ACT XIX. OF 1857.

NOTICE is hereby given that an extraordinary  
General Meeting of the Shareholders of the  
Bengal Coal Company "Limited" will be held at  
the Registered Office of the Company, No. 6,  
Church Lane, Calcutta, on Saturday, the 13th day  
of June now next ensuing, at the hour of 1 o'clock  
P. M., for the purpose of taking into consideration  
the advisability of altering Clause 38 of the  
Articles of Association of the Company, by adding  
after the words "real or personal" in the twelfth  
line of the said 38th Clause the words "other  
than Coals the produce of the Company's Mines;"  
and also by adding the following words at the  
end of the said 38th Clause, namely, "but nothing  
herein contained shall be construed to limit the  
powers of the Directors to sell Coals, the produce  
of the Company's Mines, to any extent which  
they shall think expedient and proper," and if such  
alterations be deemed advisable to pass resolutions  
enabling the same to be effected.

By Order of the Directors,

GORDON, STUART AND CO.,  
The 11th March 1863. Secretaries.

### Bengal Salt Company "Limited."

NOTICE is hereby given, that a Meeting of the  
Shareholders of the above Company will be held  
at the Office of the Company on Saturday, the  
28th instant, at 5 P. M. precisely, to consider the  
Report of the Committee of Inquiry, and to trans-  
act such other business as may be laid before them.

By Order of the Directors,

J. G. HUGHES,  
Secretary.  
6, COMMERCIAL BUILDINGS, }  
Calcutta, 17th March 1863. }

### Notice.

THE Partnership heretofore existing between  
HERSCHELL DEAR and ALEXANDER CHRISTIAN as  
Railway Contractors and Timber Merchants having  
been dissolved by mutual consent on the 30th day  
of June last, the undersigned is prepared to execute  
orders for Timber of every description by con-  
tract.

ALEXANDER CHRISTIAN.

MONGHYR, }  
The 27th October 1862. }

### H. Dear & Co.,

TIMBER MERCHANTS.

THE above Firm is prepared to undertake the  
supply of Sleepers or Timber to Railway Com-  
panies or other parties.

For the last 11 years the Firm has successfully  
carried out very heavy engagements with the  
East Indian Railway Company, as also with the  
Government of India, and has still extensive Con-  
tracts with both for Timber and Sleepers.

H. DEAR & Co.

MONGHYR, }  
The 27th January 1863. }

### North-West Indigo Association Limited.

THE First Ordinary Yearly General Meeting of  
the Association will be held at the Registered Office  
of the Association, No. 2, Mission Row, on Mon-  
day, the 30th instant, at 12 o'clock, when the  
Report of the Directors and the Accounts for the  
past year will be submitted, and also a proposition  
that an additional clause authorizing the purchase  
of Indigo in the North-West be inserted in the  
Deed.

S. G. BALMER,  
Secretary.

### For Sale,

THE Mehals of Pergunnah Rockunpore to the  
west of the Bhaugirrattee, situated in Zillah Moor-  
shedabad. For particulars apply to James Cock-  
burn, Esquire, Rampore Beaulah, or to Jardine,  
Skinner and Co., Calcutta.

JARDINE, SKINNER AND CO.,  
Managing Agents of B. Watson and Co.

### Notice.

THE Government Promissory Note, No. 42002,  
of the 5 per Cent. Loan of 1856-57, dated the  
28th February, for Rupees 500, originally standing  
in the name of Madub Chunder Sen, and the latter  
endorsed to me, the Proprietor, by whom it was  
never endorsed to any other person. The payment  
of interest and renewal has been stopped at the  
Loan Office, and an application is about to be made  
to Government for the issue of a duplicate Note  
in favor of the Proprietor.

BONNOMALY DOSA.

**Lost.**

Two Currency Notes of 100 Rupees each, Nos. 08265 and 18134.

**Lost.**

THE half of a Government Currency Note, No.  $\frac{A}{11}$  27008, for Rupees 50. Payment stopped.

**Lost.**

THE Second-half of a Government Note, No.  $\frac{A}{11}$  24983, for Rupees 50. Payment stopped.  
The 16th March 1863.

**Lost.**

By Ranjkisto Mookerjee Left-half of Currency Note, No. 25964, for Rupees 20.

**NOTICES issued by the  
POST-MASTER of CALCUTTA.**

No. 229.

The 12th March 1863.—The Overland Mail per Steamer *Bengal* will be closed on Sunday, the 22nd March 1863, at 6 P. M.

Letters for Madras, Ceylon, the Straits, China, Mauritius, and Australia can be sent by this opportunity.

	Weight.	Via	Marseilles.	Via Southampton.
Postage.	Under $\frac{1}{2}$ Ounce	Rs. 0	6 0	Rs. 0 4 0
	" $\frac{1}{2}$ "	" 0	8 0	" 0 4 0
	" $\frac{3}{4}$ "	" 0	14 0	" 0 8 0
	" 1 "	" 1	0 0	" 1 0 0
	" 2 "	" 2	0 0	" 1 0 0

No. 230.

The 14th March 1863.—The Post-Master begs to inform the Public that the Overland Express Packet of the 5th March, and the Safe Dāk of the 4th idem, arrived at Bombay in time for the Overland Steamer.

No. 231.

The 19th March 1863.—An After-Packet per Steamer *Bengal* will be kept open at this Office till 2 P. M. of the 23rd instant.





## APPENDIX TO **The Calcutta Gazette.**

SATURDAY, MARCH 21, 1863.

### LAND SALE NOTICES.

NOTICE is hereby given, under Section VI., Act XI. of 1859, that the undermentioned Estates, in Zillah Sylhet, will be put to public and unreserved sale at the Collector's Office of that District on Monday, the 30th March 1863, corresponding with 18th Choit 1269 B. S., for arrears of Revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of Revenue due on the 19th January 1863:—

#### *Class I.—Permanently-settled Estates.*

No. 17332.—Talook Roy Gour Hurry Singh, Pergunnah Choitunnuggur; recorded proprietor, Roy Radhagovind Singh; sudder jumma, Rupees 976-11-3.

No. 17783.—Talook Koorban Alli Chowdry, Pergunnah Lunga; recorded proprietors, Govind Churn Doss and others; sudder jumma, Rupees 564-7-8.

No. 27501.—Talook Adum Reza Zemindar, Pergunnah Jooar Baneachung; recorded proprietors, Sheik Latoo and others; sudder jumma, Rupees 683-15-2.

No. 27503.—Talook Alum Reza Zemindar, Pergunnah Jooar Baneachung; recorded proprietors, Shoonamdee and others; sudder jumma, Rupees 645-15-7.

No. 27504.—Talook Asuddooruzza Zemindar, Pergunnah Jooar Baneachung; recorded proprietor, Kist Churn Doss; sudder jumma, Rupees 742-3-0.

No. 28509.—Talook Govind Rajkist Chowdry, Pergunnah Bithungue; recorded proprietors, Neej and others; sudder jumma, Rupees 880.

No. 47031.—Talook Roy Gourhurry Singh, Pergunnah Bhanogatch; recorded proprietor, Roy Radhagovind Singh, sudder jumma, Rupees 1,693-0-3.

No. 51783.—Talook Sheik Golam Allie, Pergunnah Satgow; recorded proprietors, Neej and others; sudder jumma, Rupees 1,527-0-8.

No. 52270.—Talook Roy Gourhurry Sing, Pergunnah Choitunnuggur, recorded proprietor, Kist Churn Doss; sudder jumma, Rupees 2,548-11-1.

No. 54726.—Talook Syud Ahmed Ally, Hissa Syud Ahmed Reza, Pergunnah Turuf; recorded proprietors, Poorooshram and others; sudder jumma, Rupees 1,509.

No. 54727.—Talook Syud Ahmed Ally, Hissa Syud Muddun Reza, Pergunnah Turuf; recorded proprietors, Rambullub Deb and others; sudder jumma, Rupees 2,784-3-2.

No. 54729.—Talook Syud Ahmed Ally, Hissa Syud Kym Reza, Pergunnah Turuf; recorded proprietors, Joygovind Roy and others; sudder jumma, Rupees 1,966-14-11, of which Rupees 32-6-5 to be deducted on account of the jumma paid in by Hamida Bebee and others, with whom a separate account has been made as per Section II., Act XI. of 1859. Sudder jumma advertised for sale, Rupees 1,934-8-6.

No. 54732.—Talook Syud Ahmed Ally, Hissa Syud Kolim Reza, Pergunnah Turuf; recorded proprietors, Joygovind Roy and others; sudder jumma, Rupees 718-12-10.

No. 54938.—Talook Shah Jaboolabuddy, Pergunnah Turuf; recorded proprietors, Neej and others; sudder jumma, Rupees 579-1-1.

No. 56506.—Talook Syud Abool Hosein, Hissa Syud Azgur Hosein, Pergunnah Gora Hosein Nuggur; recorded proprietors, Mahomed Arip and others; sudder jumma, Rupees 658.

No. 56509.—Talook Syud Boduruddy Hosein, Pergunnah Gora Hosein Nuggur; recorded proprietors, Babrool Hosein and others; sudder jumma, Rupees 733-3-2.

SYLHET COLLECTORSHIP, }  
The 3rd March 1863. }

S. H. C. TAYLER,  
Collector.



# The Calcutta Gazette.

WEDNESDAY, MARCH 25, 1863.

## Home Department.

### LEGISLATIVE.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor General on the 10th March 1863, and is hereby promulgated for general information:—

ACT No. XIV of 1863.

*An Act to amend Act X of 1859 (to amend the Law relating to the Recovery of Rent in the Presidency of Fort William in Bengal).*

WHEREAS it is expedient to amend Act X of 1859 (to amend the Law relating to the Recovery of Rent in the Presidency of Fort William in Bengal) so far as it relates to the Territories under the Government of the Lieutenant Governor of the North-Western Provinces of the Presidency of Fort William in Bengal, and to authorize the extension of the Act to places to which its provisions do not now apply; It is enacted as follows:—

I. In addition to the suits specified in Sections XXIII and XXIV of Act X of 1859, the following suits shall be cognizable by the Collectors of Land Revenue under the provisions of the said Act, and, except in the way of appeal as provided in the said Act, shall not be cognizable in any other Court or by any other Officer or in any other manner (that is to say):—

1st.—Suits by Lamberdars for arrears of Government revenue payable through them by the co-sharers whom they represent.

2nd.—Suits by co-sharers for their share of the profits of an estate or any part thereof after payment of the Government revenue and village expenses, or for a settlement of accounts.

3rd.—Suits by Maalfeedars or assignees of Government revenue for arrears of revenue owing to them as such Maalfeedars or assignees.

4th.—Suits by Talookdars and other superior proprietors for arrears of revenue or otherwise not being rent claimable under Section XXIII of the said Act X of 1859) due to them as such Talookdars or other superior proprietors.

II. Suits instituted under the preceding Section shall be instituted within three years from the date when the arrear or the amount of profits claimed shall have become due, or if the suit be for an arrear, or for profits due at the time of the passing of this Act, it shall be instituted within three years after the passing of this Act, or within the period now allowed for the institution of such suits in the Civil Court, whichever may first expire. If the suit be for a settlement of accounts, the suit shall be brought within one year after the expiration of the year to which the accounts relate, or in the case of any claim for such settlement now existing, within one year from the time of the passing of this Act, or within the period now allowed for the institution of such suits in the Civil Court, whichever may first expire.

III. In addition to the grounds mentioned in Section XVIII of the said Act X of 1859, upon which a ryot, having a right of occupancy, can claim an abatement of the rent previously paid by him, every such ryot may claim abatement on the ground that the rate of rent paid by him is above the prevailing rate payable by the same class of ryots for land of a similar description, and with similar advantages, in the places adjacent.

IV. Clause 2 of Section XXIII of the said Act X of 1859 shall be read as if the words "or by any other means not warranted by law" were added thereto.

V. From the date of the passing of this Act Sections XXXIV and LXXXVI of the said Act X of 1859 shall cease to have effect in the Territories under the Government of the Lieutenant Governor of the North-Western Provinces, and shall not come into force in any place to which this Act shall be extended as hereinafter provided, and the following Sections are enacted in lieu thereof:—

"Section XXXIV. Suits under this Act shall be instituted by presenting to the Collector a plaint or statement of claim, which shall contain the name, description, and place of abode of the plaintiff, the name,

Procedure in the institution of suits under this Act.



description, and place of abode of the defendant, so far as they can be ascertained, the substance and value of the claim, estimated according to any law for the time being in force for the valuation of suits, and the date of the cause of action."

"Section LXXXVI. Process of execution may be issued against either the person or the property of a judgment debtor, but process shall not be issued simultaneously against both person and property. Such process may be issued on the oral application of the judgment creditor, his agent, or mookhtar, made at the time the decree is passed, or thereafter upon the written application of the judgment creditor, his agent, or mookhtar. Process of execution against the person or moveable property of a debtor shall be in form E or F contained in the Schedule to the said Act X of 1859, or to the like effect."

VI. The provisions of Sections 243 and 244 of the Code of Civil Procedure shall be applicable to decrees passed in suits under the said Act X of 1859, or this Act, in which the Collector shall award a sum of money on account either of an arrear of Government revenue, or of profits, or otherwise. Orders passed by a Collector under either of the said Sections shall be subject to revision by the Commissioner of the Division and the Sudder Board of Revenue, but shall not be open to appeal to the Civil Court.

VII. Section CXII of the said Act X of 1859 shall be read as if the words "or where the rent of a puttee is not collected by a Iambeddar, through the putteedar who is entitled to collect the rent" were added at the end of such Section.

VIII. The local Government may invest any Officer employed in making or revising settlements of the land revenue, with the powers of a Collector as described in the said Act X of 1859, for the decision of suits arising within the local limits of the jurisdiction assigned to such Officer, of the nature mentioned in Section XXIII of the said Act, or in this Act, while such Officer is so employed.

IX. In the exercise of the powers given under the last preceding Section, the Officer so invested shall have power to determine all disputes existing between Zemindars, Talookdars or other Sudder Malgoozars, or Farmers of land, or any person duly authorized on their behalf, and any dependent Zemindar, ryot or other under-tenant of whatever denomination, regarding the rates of rent payable by such dependent Zemindar, under-tenant, ryot, or other tenant.

X. If a suit for enhancement of rent be brought before any Officer empowered under Section VIII of this Act to hear the same, such suit shall be heard and determined by such Officer notwithstanding that no notice of enhancement shall have been served under Section XIII of the said Act X of 1859 on the party from whom such enhanced rent is claimed. In such case the statement of claim shall set forth the grounds on which such enhancement of rent is claimed. If a decree be passed in favor of the claimant, such

decree shall have effect only from the commencement of the next agricultural year after the date of the decree.

XI. Whenever a claim to enhancement or abatement of rent against or by any number of ryots is brought before an Officer engaged in making or revising settlements, and empowered under Section VIII of this Act to hear such claim, such ryots may be sued or may sue collectively, and it shall be no ground for dismissing or refusing to hear the claim that such ryots are wrongly joined as plaintiffs or defendants, Provided all such ryots cultivate in the same Estate, but no decree shall be passed in any such case in which an enhancement of rent is claimed, unless such Officer as aforesaid shall be satisfied that every ryot has had an opportunity to appear and make objection to the claim preferred against him. Provided also that every decree passed in any such case shall specify the extent to which each of the ryots named in the decree shall be affected thereby.

XII. All decisions passed under the foregoing Sections by an Officer engaged in making or revising settlements, and invested as above, shall be open to the same appeal as is given by the said Act X of 1859 in respect to decisions passed by a Collector in suits of the same description. Provided that no decree passed in any such suit by an Officer engaged in making or revising settlements before the passing of this Act, shall be open to question solely on the ground of want of jurisdiction in the Officer who passed such decree, or of any error, defect, or irregularity in procedure not productive of injury to either party, but an appeal shall lie against such decree in like manner as if the suit had been decided under this Act.

XIII. In all cases in which rents have heretofore been paid in kind, or by rents in kind to fixed money payments, the estimated value of a portion of the crop, it shall be lawful for an Officer employed in making or revising the settlement of the land revenue, on the application either of the payer or the receiver of the rent, to commute such rent into a fixed money payment. The rate or amount of rent thus fixed shall be binding upon the parties concerned, subject to the provisions of the said Act X of 1859. All decisions already passed by any such Officer, commuting rents in kind, or by valuation, to fixed rents in money shall, subject to the same appeal as is given by the said Act X of 1859 in respect to decisions passed by a Collector in suits under the said Act, be legal and binding.

XIV. The provisions of Chapter VI (relative to arbitration) of the Code of Civil Procedure shall apply to suits under the said Act X of 1859, and under this Act.

XV. In any District through which any canal passes, in respect of which any water rate is payable to Government, it shall be lawful for the local Government to appoint any proprietor or farmer of an estate through which such canal passes in such District, with the consent of such proprietor or farmer, to be a Iambeddar for the collection of such water rate in such estate, and

thereupon the amount annually payable on account of such water rate by the dependent Zemindars, ryots, and other under-tenants in such estate shall (subject to such abatement on account of commission or otherwise as shall be allowed by the local Government to such lumberdar), be held to be a charge on the estate of such proprietor, or farmer, and shall be added to the assessment payable to Government in respect of such estate, and the amount thereof shall be recoverable in like manner as the assessment on such estate, and for the purpose of collecting such water rate from the dependent Zemindars, ryots, and other tenants in such estate liable thereto, such lumberdar shall have the like powers, and shall be subject to the same rules as are provided in any law for the time being in force in respect of the collection of the rent of land.

XVI. If any person shall be arrested under Rule as to person arrested under Section CXLV of Act X of 1859, he shall be brought before the Collector with all convenient speed, and the Collector shall proceed forthwith to try the case. If the case cannot be at once heard and determined, the Collector may, if he think fit, require the party arrested to give security for his person whenever the same may be required. In default of such security, the party arrested may be committed to the Civil Jail until the case is tried.

XVII. Doubts having been entertained as to whether the decisions passed by a Zillah Judge in regular appeal under the said Act X of 1859 are open to special appeal, it is hereby declared that it was the intention of the said Act that such decisions should be open to special appeal to the Sudder Court in the same manner, and subject to the same rules, as the decisions of Zillah Judges passed in regular appeal are open to special appeal under the Code of Civil Procedure.

XVIII. This Act shall be read and taken, in Construction of Act. the Territories under the Government of the Lieutenant-Governor of the North-Western Provinces, and in all places to which this Act shall be extended under the next following Section, as part of the said Act X of 1859.

XIX. It shall be lawful for the Governor-General of India in Council to extend the provisions of Act X of 1859 as amended by this Act to any Territories immediately administered by the Government of India, or for the Lieutenant-Governor of the North-Western Provinces, and of the Punjab, respectively, to extend the said Act amended as above to any part of the Territories under their respective Governments, in which the said Act X of 1859 is not now in force. Whenever the said Act amended as above shall be so extended, the Governor-General of India in Council, or the Lieutenant-Governor who shall so extend the same, shall declare by what Officers in the said Territories or any parts thereof, to which the said Act X of 1859 amended as above shall be extended, the powers given by the said Act shall be exercised, and such Officers shall thereupon be authorized to exercise such powers.

M. WYLIE,  
Depty. Secy. to the Govt. of India,  
Home Department.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th March 1863, and is hereby promulgated for general information.—

Act No. XV of 1863.

*An Act to amend Act I of 1859 (for the amendment of the law relating to Merchant Seamen.)*

WHEREAS it is expedient to amend the provisions of Act I of 1859 (for the amendment of the law relating to Merchant Seamen) in so far as the said Act relates to agreements with Natives of India; to vessels trading from the Straits Settlement to the Gulf of Siam, and the Eastern Archipelago; and to the cancelment and suspension of certificates of competency and service; It is enacted as follows:—

I. Sections XVII, XXI, LXXXI and LXXXII of the said Act I of 1859, and Act XXVIII of 1861 (to extend the provisions of Act I of 1859 for the amendment of the law relating to Merchant Seamen) are hereby repealed.

II. Sections IX to XVI of the said Act I of 1859 shall not apply to ships registered under Act X of 1841, (for prescribing the rules to be observed, in order that ships or vessels belonging to Ports within the Territories under the Government of the East India Company, or belonging to Native Princes or States, or their Subjects, may become entitled to the privileges of British ships under a proclamation of the Governor-General of India in Council, made in pursuance of the Statute 3 and 4 Victoria, Chapter 56), and trading between Ports in India and the Coast of Arabia, when such ships are navigated and manned exclusively by Arabs, Lascars, or other Asiatic Masters and Seamen, or to ships of less than 200 tons burden registered under the said Act X of 1841, and trading between any Port of the Settlement of Prince of Wales' Island, Singapore and Malacca, and the Gulf of Siam, or the Eastern Archipelago, when such ships are navigated exclusively by Malays, Lascars, or other Asiatic Masters and Seamen.

III. The Master of every ship, except ships of a burden not exceeding three hundred tons employed only in the Home-trade, shall enter into an agreement with every Seaman and with every Native of India not being a Seaman whom he carries to sea from any Port in India as one of his crew, in the manner hereinafter mentioned; and every such agreement shall be in a form sanctioned by the Governor-General of India in Council, and shall be dated at the time of the first signature thereof, and shall be signed by the Master before any Seaman or other person aforesaid signs the same, and shall contain the following particulars as terms thereof; (that is to say) —

1.—The nature and, as far as practicable, the duration of the intended voyage or engagement.

2.—The number and description of the crew, specifying how many are engaged as sailors.

3.—The time at which each Seaman and each Native of India not being a Seaman is to be on board or to begin work.

4.—The capacity in which each Seaman and each Native of India not being a Seaman is to serve.



5.—The amount of wages which each Seaman and each Native of India not being a Seaman is to receive.

6.—A scale of the provisions which are to be furnished to each Seaman and to each Native of India not being a Seaman.

7.—Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by the Government as regulations proper to be adopted and which the parties agree to adopt.

And every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the Master and Seaman, and each Native of India not being a Seaman, in each case (not being inconsistent with the provisions of this Act), as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law. Provided that, if the

Master of any ship belonging to the United Kingdom or any British possession has an agreement with his crew made in

due form according to the law of the place to which such ship belongs, or in which her crew were engaged, and engages single Seamen, or any Native of India not being a Seaman, in any Port in India, such Seaman or other person aforesaid may sign the agreement so made, and it shall not be necessary for such Seaman or other person aforesaid to sign an agreement under this Act. Pro-

vided also that, in the case of Lascars or other Native Seamen, and every Native of India not

being a Seaman, when it shall be agreed that the service of any such Seaman or other person aforesaid shall end at any Port not in India, the agreement shall contain stipulations for providing for such Seaman or other person aforesaid fit employment on board some other vessel bound to the Port at which he was shipped, or such other Port as may be agreed on, or for providing for him a passage to some such Port as aforesaid free of charge, or on such other terms as may be agreed on; and every such stipulation shall be signed by the owner of the vessel or by the Master on his behalf.

IV. Every Court having Admiralty jurisdiction

in India, and the principal Court of Ordinary Criminal Jurisdiction at every Port in India where there is no Court having Admiralty jurisdiction, is hereby authorized to investi-

gate and try charges of incompetency or misconduct on the part of any Master, Mate or Engineer of any ship, who shall have obtained his certificate from the Board of Trade, and to make enquiry as to shipwreck or other casualties affecting ships; and if on such investigation it shall appear to any such Court as aforesaid, that the loss or abandonment of, or any serious damage to, any ship, or loss of life, has been caused by the wrongful act or default of any such Master, Mate or Engineer, or that any such Master, Mate or Engineer has been guilty of any gross act of misconduct, drunkenness, or tyranny, such Court may suspend for such period as it shall think fit, or may cancel such certificate whether of competency or service of such Master, Mate or Engineer, and the Court shall report the same to the local Government,

within whose limits such Court is situated. Provided that no certificate shall be cancelled or sus-

pending unless a copy of the

Report or a Statement of the case upon which the investigation is made, shall have been furnished to the owner of the certificate before the commencement of the investigation. Provided also that the Report of such Court is confirmed by the Governor or other person administering the local Government wherein such Court is held.

V. Every Court by which any investigation or trial is held under the last preceding Section shall, at the

conclusion of the case, or as soon afterwards as possible, state in open Court the decision to which they may have come with respect to cancelling or suspending certificates, and shall in all cases send a full report upon the case with the evidence to the Board of Trade, and shall also, if they determine to cancel or suspend any certificate, forward such certificate to the Board of Trade with their Report.

VI. If the local Government, on the information of any Shipping Master, or on any other ground, has reason to believe that any Master or Mate who has obtained a certificate of com-

petency or service from such Government, or from any other local Government, is, from incompetency or misconduct, unfit to discharge his duties, it may direct any Board or Officer at or near to the place at which it may be convenient for the parties and witnesses to attend, to institute an investigation; and thereupon such Board or Officer shall conduct the investigation into such charge of incompetency or misconduct, and shall, on the conclusion of the investigation, make a report upon the case to the local Government which ordered the investigation.

VII. For the purpose of any such enquiry

under Section IV or Section VI, the Court, Board or Officer may summon the Master, Mate or Engineer, as the

case may be, to appear, and shall give him full opportunity of making a defence, either in person or otherwise, and may summon and examine witnesses, and may make such order with respect to the costs of such investigation, and may require such security for costs, as such Court, Board, or Officer may deem just. Every order in respect of costs under this Section may be enforced in like manner as a fine may be enforced by a Magistrate in the Port where such investigation is held.

VIII. The local Government may suspend or

cancel the certificate (whether of competency or service) granted by such local Government or by any other local Government under the said

Act I of 1859, to any Master or Mate in the following cases; (that is to say) —

Clause 1. If upon any investigation conducted

under the provisions of Sections C, CI, and CII of Act I of 1859, it is reported that the loss or abandonment of, or serious damage to any ship, or loss of life, has been caused by his wrongful act or default.

Loss, abandonment or serious damage by default of Master or Mate.

*Clause 2.* If upon any investigation held under Section VI of this Act, the Master or Mate shall be reported to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness, or tyranny.

*Clause 3.* If upon any investigation held under the provisions of the Merchant Shipping Act 1854, or the Merchant Shipping Amendment Act 1862, or upon any investigation made by a Naval Court constituted as is provided by any law for the time being in force, or upon any investigation made by any Court or Tribunal authorized or hereafter to be authorized by the Legislative Authority in any British possession to make enquiry into charges of incompetency or misconduct on the part of Masters or Mates of ships, or as to shipwreck or other casualties affecting ships, it is reported that the loss or abandonment of, or serious damage to any ship, or loss of life, has been caused by his wrongful act or default; or that he has been guilty of any gross act of misconduct, drunkenness, or tyranny. Provided always that, in the case of any report by any such last-mentioned Court or Tribunal, the report shall have been confirmed by the Governor or person administering the Government of such possession.

*Clause 4.* If he has been superseded by the order of any Admiralty Court, or of any Naval Court constituted as provided by the Merchant Shipping Act 1854, or any other law for the time being in force.

*Clause 5.* If he is shown to have been convicted of any offence.

**IX.** Every Master, Mate or Engineer whose certificate is cancelled or suspended under the provisions of this Act, shall deliver it to the Shipping Master, or to such other person as the Court or the local Government which cancelled or suspended the certificate shall direct, and in default, shall, for each offence, incur a penalty not exceeding five hundred Rupees. Provided that if the local Government which cancels or suspends a certificate of a Master or Mate is not the local Government that granted the same, the local Government which so cancels or suspends the certificate, shall report the proceedings and the fact of cancellation or suspension to the local Government which granted such certificate. Provided also that it shall be competent to any local Government at any subsequent time to grant to any person whose certificate has been cancelled a new certificate of the same or of any lower grade.

*Proviso for report to other local Governments.* Government which so cancels or suspends the certificate, shall report the proceedings and the fact of cancellation or suspension to the local Government which granted such certificate. Provided also that it shall be competent to any local Government at any subsequent time to grant to any person whose certificate has been cancelled a new certificate of the same or of any lower grade.

**X.** Nothing in this Act shall be held to affect the powers of removal vested by Section CCXL of the Merchant Shipping Act of 1854, or Section LXXX of the said Act I of 1859 in Courts having Admiralty jurisdiction in India. The said powers may be exercised by the principal Court of ordinary Criminal jurisdiction at any Port in India where there is no Court having Admiralty

jurisdiction if the Master or Mate shall have received his certificate from any local Government.

*Act to be taken as part of Act I of 1859.* XI. This Act shall be read and taken as part of the said Act I of 1859.

M. WYLLIE,  
Deputy Secy. to the Govt. of India,  
Home Department.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th March 1863, and is hereby promulgated for general information:—

Act No. XVI of 1863.

*An Act to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry.*

WHEREAS it is expedient to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry; It is enacted as follows:—

**I.** Spirits intended to be used exclusively in Arts and Manufactures or in Chemistry may be removed from any licensed Distillery in any part of British India on payment of Duty calculated at ten per cent. on the value of the Spirits, provided that no Spirits shall be so removed until they have been effectually and permanently rendered unfit for human consumption.

**II.** The Board of Revenue, or other authority specially authorized in that behalf by the local Government, shall prescribe from time to time, subject to the approval of the local Government, rules for ascertaining and determining that Spirits proposed to be removed for the purposes aforesaid have been effectually and permanently rendered unfit for human consumption, as required by Section I of this Act; for causing such Spirits to be so rendered, if necessary, by its own officers at the expense of the person who wishes to remove them; and for fixing the value of the Spirit on which the *ad valorem* duty shall be levied.

**III.** Every person who shall wilfully contravene any rule prescribed by the Board of Revenue, or other Authority as aforesaid, under the last preceding Section of this Act, shall be liable on conviction before any Officer exercising the powers of a Magistrate to a penalty not exceeding five hundred Rupees for every such offence.

**IV.** Every person who shall attempt, or shall connive at an attempt, to render fit for human consumption Spirits removed from a Distillery under the provisions of this Act, shall be liable to a penalty not exceeding one thousand Rupees; and the possessor of such



Spirits on which such attempt has been made, or which may have been rendered fit for human consumption, shall be liable on conviction before any Officer exercising the powers of a Magistrate to a penalty not exceeding five hundred Rupees.

V. Any penalty imposed under either of the last two preceding Sections may in case of non-payment be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of the Officer by whom such penalty was imposed.

VI. In case any such penalty shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

VII. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer by the confession of the offender or otherwise that he has not sufficient goods and chattels whereupon such penalty could be levied if a warrant of distress were issued, any such Officer may by warrant under his hand commit the offender to the Civil Jail, there to be imprisoned, according to the discretion of such Officer, for any term not exceeding two Calendar months when the amount of penalty shall not exceed fifty Rupees, and for any term not exceeding four Calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six Calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

VIII. The prohibition contained in Section XI of Act III of 1852 (to amend the law relating to spirituous and intoxicating liquors, drugs, and preparations within the Territories subordinate to the Presidency of Bombay) against mixing any noxious drug or material in, or by other process adulterating Spirits manufactured under the provisions of Regulation XXI of 1827 of the Bombay Code, or of the said Act III of 1852, shall not apply to Spirits rendered unfit for human consumption under this Act.

IX. In every case of conviction under Section III or Section IV of this Act the liquor or Spirits with the cask or vessel containing the same, and the cart, boat, and animal or animals employed in carrying such liquor or Spirit shall be liable to confiscation.

M. WYLIE,

*Depy. Secy. to the Govt. of India.*

*Home Department.*

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th March 1863, and is hereby promulgated for general information :—

Act No. XVII or 1863.

*An Act to authorize the extension of the term of Office of the Municipal Commissioners in the Settlement of Prince of Wales' Island, Singapore, and Malacca.*

WHEREAS it is expedient that the term of Office of the Municipal Commissioners in the Straits Settlement should be extended ; It is enacted as follows :—

I. Section XIX of Act XXVII of 1856 (for appointing Municipal Commissioners, and for levying rates and taxes in the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca), is repealed. The operation of Section XV of the said Act shall be suspended at the election of Municipal Commissioners under the said Act, to be held next after the passing of this Act.

II. The Governor of the Settlement shall, upon the appointment of the Commissioner whom he is empowered by the said Act XXVII of 1856 Section V to appoint, declare for what number of years, not exceeding three, such Commissioner shall hold Office.

III. The Municipal Commissioners of Prince of Wales' Island, Singapore, and Malacca, respectively, who shall be chosen at the said next election by the largest number of votes, shall hold their Office for one, two, or three years, as shall be determined in manner hereinafter mentioned.

IV. The Municipal Commissioner who is chosen at such next election by the largest number of votes shall hold his Office for three years ; the Municipal Commissioner who is chosen by the next largest number of votes shall hold his Office for two years, and the remaining Municipal Commissioner shall hold his Office for one year.

V. If at any of the said Stations the three Municipal Commissioners chosen at the said next election shall be elected by an equal number of votes, the Governor, or, in his absence from such Station, the Resident Councillor shall declare and appoint the periods of three years, two years, and one year, respectively, for which every such elected Municipal Commissioner shall hold Office.

VI. If at any of the said Stations at the said next election two of the Municipal Commissioners chosen shall have an equality of votes, but such number shall be greater than the number of

And in case of votes for two being equal, and yet greater than for the third.

votes given for the third Municipal Commissioner; the Governor, or, in his absence, the Resident Councillor shall declare and appoint the periods of three years, and two years, respectively, for which each of the said two Municipal Commissioners shall hold Office; and the other Municipal Commissioner shall hold Office for one year only.

VII. If at any of the said Stations at the said next election one of the Municipal Commissioners chosen shall have a number of votes larger than the other two Municipal Commissioners, and such other two Commissioners shall have an equality of votes, the Municipal Commissioner who shall have such larger number of votes shall hold Office for three years, and the Governor, or in his absence, the Resident Councillor shall declare the periods of two years, and one year, respectively, for which each of the other two Municipal Commissioners shall hold Office.

VIII. If at any of the said Stations an equal number of votes be given for any two or more candidates at the said next election, so that the Sheriff or his Deputy is not able to declare as between such persons which of them has been elected, the Governor, or, in his absence, the Resident Councillor shall give a casting vote for one or more of such persons, and, reckoning such vote, shall declare the period for which such person or persons shall hold Office in manner provided in Section IV.

IX. Every Commissioner appointed under Section XVI of the said Act XXVII of 1856, in consequence of a refusal to act, a failure of election, or otherwise, shall hold Office for such term as the Governor or Resident Councillor of the Station shall declare. Provided that such term shall in no case exceed three years, and shall be a term which shall conform to the terms for which the other Commissioner or Commissioners shall have been declared and appointed to hold Office under Section IV of this Act, so that the three Commissioners shall hold their Offices for three years, two years, and one year, respectively.

X. Every Commissioner appointed under the provisions of Section XVII of the said Act XXVII of 1856, in place of any Commissioner elected at the said next election, shall hold Office for the term for which the Commissioner in whose place he is appointed was entitled to hold Office.

XI. The names of the persons elected or appointed to be Municipal Commissioners under this Act, and the terms for which such persons shall hold Office, shall be published in such manner as the Governor may direct.

XII. The Municipal Commissioners at each of the said Stations elected under the provisions of this Act shall enter upon their Office on the first day of January after their election, and shall hold Office for the periods hereinbefore provided. At every subsequent election under the said Act XXVII of 1856, one Commissioner only shall be elected. The Commissioner elected at such subsequent election shall hold Office for three years. Appointments to fill up any vacancy occasioned by the death, resignation, or refusal to act of any such Commissioner shall have effect for the period for which such Commissioner would have held Office but for such death, resignation, or refusal to act, and all the provisions of the said Act XXVII of 1856, so far as they are not affected by this Act, which relate to the election of three Commissioners at each annual election shall, so far as practicable, be construed to apply to the election of one Commissioner only.

XIII. This Act shall be read and taken as part of the said Act XXVII of 1856.

M. WYLIE,

Depty. Secy. to the Govt. of India,  
Home Department.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th March 1863, and is hereby promulgated for general information:—

# ACT No. XVIII of 1863.

*An Act to make provision for the speedy and efficient disposal of the business now pending in the Office of the Master of the High Court of Judicature at Fort William in Bengal, and to provide for the abolition of the Oaths now administered to Hindoos and Mahomedans in the said Court, and to amend the Code of Civil Procedure in respect of process issued out of the said Court in the exercise of its Original Civil Jurisdiction.*

WHEREAS, at the time of the abolition of the late Supreme Court of Judicature at Fort William in Bengal, many matters which had been referred to the Master of the said Court were pending before him, and many of them are still pending before the Master of the High Court, and it is expedient that all such matters should be wound up and determined as expeditiously as possible, and whereas it is expedient that the law concerning the administration of oaths to Hindoos and Mahomedans in such Court should be assimilated to the law concerning such oaths in Courts not established by Royal Charter; and that the Code



of Civil Procedure should be amended in respect of process issued out of the said High Court in the exercise of its Ordinary Original Civil Jurisdiction. It is enacted as follows:—

I. In order as expeditiously as may be to wind up all the suits, matters, and things which are now pending before the Master of the said High Court of Judicature at Fort William in Bengal, it shall be lawful for the Master, at any time after the passing of this Act at his own discretion, and without application on behalf of any of the parties to the suit or reference, and in such manner as he shall deem fit, to summon all or any of the parties to any suit, matter, or thing so pending, or their Solicitors, and thereupon to proceed with such suit, matter, or thing, and to give such directions and make such orders as he may think necessary for the purpose of settling and winding up the same; but any such order shall be subject to be discharged or varied by the said Court upon application made for that purpose, and the Master shall be at liberty to proceed *ex parte* for the purposes aforesaid in the absence of any of the parties or their Solicitors neglecting or refusing to attend the summons, and it shall also be lawful for the Master at his discretion to proceed with the reference, and to make a special report to the Court notwithstanding the death of any of the parties to the suit or reference, or their absence from the jurisdiction of the Court, or in cases in which, after search to the satisfaction of the Master, parties are not to be found within the jurisdiction of the Court, or it is uncertain whether such parties are living or dead.

II. In case the Master shall be unable by reason of the conduct of parties, or otherwise, to dispose finally of any suit, matter, or thing referred to or pending before him (within such time as he shall in that behalf determine), he shall be at liberty to report on or to dispose of any part thereof within his power, and to report or certify on the whole of the case; and upon such report or certificate the Court shall make such order as it shall think proper on all or any of the parties, for the further prosecution of the suit or matter, or for the final disposal thereof and for the payment of the costs thereof, including any of the costs which may have been incurred by reason of the conduct of the parties.

III. If within a time to be fixed by the Master in that behalf, the report or certificate of the Master shall not be brought before the Court, the Registrar shall bring such report or certificate before the Court, and the Court is hereby empowered to make such order or decree in the suit as to the Court shall seem fit.

IV. From and after the passing of this Act no reference shall be made to the Master except in cases in which, from some previous reference made in the suit or matter, or in some other suit

or matter connected therewith, the Court may think it expedient to make such reference.

V. From and after the passing of this Act all or any of the powers, authorities, and jurisdiction which at the time of the abolition of the said Supreme Court were vested in the Master in Equity, may be exercised by the High Court, or by a Judge of the said Court.

VI. Whenever it shall appear from the certificate of the Master that no proceedings have been taken in his Office for a period of one year in any reference pending before him; the Court shall have power to dismiss such suit, or to make such other order or decree in the suit as to the Court shall seem fit.

VII. It shall be lawful for any division Court consisting of more than one Judge to adjourn, for the consideration of a single Judge, any matters of account, detail, or other description which, in the opinion of such Court, may be more conveniently investigated by a single Judge sitting in Chambers, and such matters shall thereupon be investigated by a single Judge, who shall proceed with such investigation sitting either in Chambers or in open Court, and shall report thereon to a division Court, and such report shall as regards such division Court be final, but shall be open to revision by any Court of Appeal to whom the order or decree founded thereon may be appealed. The Chief Justice shall from time to time determine in each case what Judge shall take or proceed with the investigation.

VIII. The said High Court shall have power to make general rules or orders for winding up the business now pending in the Office of the said Master, and generally for regulating the conduct or business, and the manner in which the same shall be transacted in the Master's Office, and for regulating the procedure of a single Judge touching investigations before him under the provisions of this Act. Provided that such rules and orders shall not be inconsistent with the provisions of this Act, or of any Act for the time being in force relating to such matters.

IX. The proviso contained in Section IV of Act V of 1840 (concerning the oaths and declarations of Hindoos and Mahomedans), that the said Act shall not apply to any declaration or affirmation made in any of Her Majesty's Courts of Justice, is hereby repealed, and Section 1 of the said Act V of 1840 shall be read as if the words following had been added thereto.

"And when verifying an Affidavit to the following effect:—I solemnly affirm in the presence of Almighty God that the signature to this is my name and handwriting, and that the contents of this Affidavit are true."

X. After the passing of this Act notices to produce documents or writings, summonses to witnesses, and all other judicial process issued in the exercise of the Ordinary Original Civil Jurisdiction of the High Court of Judicature at Fort William in Bengal, except writs of summons to defendants issued under Section XLI of Act VIII of 1859 (the Code of Civil Procedure) and writs of execution, may be served by the Attorneys in the suit, or by persons employed by them, or in such other manner as the said High Court shall by any rules or orders from time to time direct.

XI. It shall not be necessary for a Judge of the said High Court to sign any writ, order, summons or other judicial process issued or made in the exercise of the Ordinary Original Civil Jurisdiction of the said High Court. The said High Court shall have power from time to time to direct that such writs, orders, or other process shall be signed by such Officer or Officers of the said Court as to the Court may seem fit.

XII. This Act may be extended to the High Court of Judicature at Madras, and the High Court of Judicature at Bombay, by an order of the Governor in Council of Fort St. George, and the Governor in Council of Bombay, respectively, to be published in the Official Gazettes of Madras and Bombay, respectively; and when so extended by such order, shall take effect in the said Courts from the date of the publication of such order. When so extended to either of such High Courts, this Act shall in all respects apply to such High Court in the same manner as if the name of such High Court had appeared in this Act wherever the name of the High Court of Judicature at Fort William in Bengal appears.

M. WYLIE,  
Depy. Secy. to the Govt. of India,  
Home Department.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th March 1863, and is hereby promulgated for general information.—

ACT NO. XIX OF 1863.

*An Act to consolidate and amend the Law relating to the Partition of Estates paying Revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal.*

WHEREAS it is expedient to consolidate and amend the law relating to the Partition of Estates paying Revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal; It is enacted as follows:—

I. From the date of the passing of this Act Regulation IX. 1811 of the Laws repealed. Bengal Code (for facilitating the division of landed property, and for securing the rights of joint sharers in joint undivided Estates), Regulation XI. 1811 of the same Code (for extend-

ing the period fixed by the existing Regulations for revising the jumma on lands ordered to be divided into two or more Estates), Regulation XIX. 1814 of the same Code (for reducing to one Regulation, with alterations and additions, certain Regulations respecting the Partition of Estates paying Revenue to Government), Act XX of 1836, and Act XI of 1838, except in so far as the said Regulations and Acts repeal any Regulation or Act, or any part of any Regulation or Act, and except as to the partition of any estate which shall be pending at the time of the passing of this Act, shall cease to have effect in the North-Western Provinces of the Presidency of Fort William in Bengal. Unless as hereinafter provided, the partition of any estate which shall be pending at the time of the passing of this Act shall be proceeded with and completed in the same manner as if this Act had not been passed.

II. Except as directed in the last preceding Section, all partitions of estates which shall be ordered to be made by the Officers of Government after the passing of this Act, shall be made under the provisions of this Act, whatever may be the tenure of the estate ordered to be divided.

III. Every recorded proprietor of a joint undivided estate paying revenue to Government or of any portion thereof, whether such Estate is held in common tenancy or otherwise, is entitled to claim partition under this Act.

IV. When any one or more of the recorded proprietors of an estate as described in the last preceding Section shall desire to have his or their shares of the estate separated, in order that he or they may hold the same as a separate property, or as separate properties, such proprietor or proprietors shall make a written application for the purpose to the Collector of the District. Any two or more proprietors may apply to have their shares separated, and to hold the same as a joint estate.

V. The application shall be signed by the party or parties applying for the partition, and shall specify the nature of the tenure of the estate sought to be divided. The names of all the co-sharers in the estate, the nature and extent of their respective shares, so far as the same may be known to the applicant or applicants, or can be ascertained by him or them, and the mode of partition desired, shall also be stated. If the application does not contain the particulars above mentioned, the Collector may reject it.

VI. The Collector, on the receipt of an application for partition, shall, if the application be in order, and not open to objection on the face of it, publish a Notification of the same at his Office, and at some conspicuous place on the estate to which the application relates, and shall invite any party in possession, who may not have joined in the application and who may object to the partition applied for, to appear before him either in person or by a duly constituted agent, on a day to be specified in the Notification, not being less than fifteen or more than thirty days



from the date of the Notification, and state his objection. If the application for partition shall not have been made by all the recorded proprietors of the estate, notice of the application shall be served, in the manner usual in the District for serving notices of the Revenue Officers, on such of the recorded proprietors of the estate as shall not have joined in the application. Provided that, if from any cause such service cannot take place, a proclamation notifying such application shall be published by affixing it at the Maal Cutcherry of such estate or other conspicuous place thereon, or at the Village Chowrie, Choupal, or other conspicuous place in each village in such estate.

VII. If any objection be made to the partition by any party in possession, within the time allowed, and the Collector, on a consideration of such objection, be of opinion that there is any good and sufficient reason, not inconsistent with the provisions of this Act, why the partition should be absolutely disallowed, he may refuse the application, recording the grounds of his refusal.

VIII. If the objection raise any question of title or of proprietary right, which shall not appear to have been already determined by a Court of competent jurisdiction, the Collector may either decline to grant the application until the question in dispute shall have been determined by a competent Court, or he may proceed to inquire into the merits of the objection. In the latter case the Collector, after making the necessary inquiry and taking such evidence as may be adduced, shall record a proceeding declaring the nature and extent of the interests in the actual possession of the party or parties applying for the partition, and any other party or parties who may be affected thereby. The procedure to be observed by the Collector in trying such cases shall be that laid down in Act VIII of 1859 (*for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter*) for the trial of original suits. And the Collector shall have power to refer any question that may arise in such case to arbitration, and the provisions of Chapter VI. (relative to arbitrators) of the Code of Civil Procedure shall apply to cases so referred by a Collector.

IX. All orders and decisions passed by the Collector under the last preceding Section, for declaring the rights of parties, shall be held to be decisions of a Court of Civil Judicature of first instance, and shall be open to appeal to the District or Sudder Court, according to the value of the claim, under the rules applicable to regular appeals to those Courts. Upon such appeal being made, the District or Sudder Court, as the case may be, may issue a precept to the Collector desiring him to stay the partition pending the decision of the appeal.

X. From every decision passed under the last preceding Section by a District Court a special appeal shall lie to the Sudder Court, under the rules for the time being in force relating to special appeals to that Court.

XI. It shall not be competent to the Civil Court to entertain a suit or application for the partition of an estate, except on appeal from the decision of the Collector as hereinbefore provided, any thing contained in Section 225, Act VIII of 1859 (*for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter*), to the contrary notwithstanding.

XII. When the Collector, after disposing of the objections (if any) taken to the partition, shall order a partition to be made, he shall cause a Notification to be published in his own Office, in the District Court, and at some conspicuous place on the estate which is to be divided, intimating his intention to proceed with the partition after thirty days from the date of the Notification.

XIII. The partition shall be made by the Collector in whose District the estate is situate, or, if the estate be situate in two or more Districts, then by the Collector of any one of such Districts, who may be specially ordered by the Commissioner of the Division to superintend the partition. If the estate be situated in two or more Divisions, the partition shall be made by such Collector as the Board of Revenue shall order.

XIV. The expense of making the partition, and the allowances of the establishment necessary for the measurement and survey of the lands, the preparation of papers, and any other charges, shall be fixed by the Collector. The amount shall be paid under such rules as may from time to time be laid down by the Board of Revenue with the sanction of the local Government, and, in default of payment, may be realized under the rules applicable to the recovery of arrears of rent or revenue.

XV. At any stage of the proceedings after a partition shall have been ordered, if it shall appear from information which was not before the Collector at the time the partition was ordered, or otherwise, that any reason not inconsistent with the provisions of this Act exists why the partition should not be proceeded with, it shall be competent to the Commissioner, on the report of the Collector, and subject to any orders that the Board of Revenue may pass in the case, to stay the partition, and to order the proceedings to be quashed.

XVI. After the expiration of the period mentioned in the Notification referred to in Section XII of this Act, the Collector shall, if necessary, cause a measurement of all the lands comprised in the estate to be made, and a rent-roll of the same to be prepared. The village papers which are required to be prepared and periodically deposited in the Office of the Collector under the provisions of Sections XI and XII, Regulation IX. 1833 (*for*

under the rules for the time being in force relating to special appeals to that Court.

XI. It shall not be competent to the Civil Court to entertain a suit or application for the partition of an estate, except on appeal from the decision of the Collector as hereinbefore provided, any thing contained in Section 225, Act VIII of 1859 (*for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter*), to the contrary notwithstanding.

XII. When the Collector, after disposing of the objections (if any) taken to the partition, shall order a partition to be made, he shall cause a Notification to be published in his own Office, in the District Court, and at some conspicuous place on the estate which is to be divided, intimating his intention to proceed with the partition after thirty days from the date of the Notification.

XIII. The partition shall be made by the Collector in whose District the estate is situate, or, if the estate be situate in two or more Districts, then by the Collector of any one of such Districts, who may be specially ordered by the Commissioner of the Division to superintend the partition. If the estate be situated in two or more Divisions, the partition shall be made by such Collector as the Board of Revenue shall order.

XIV. The expense of making the partition, and the allowances of the establishment necessary for the measurement and survey of the lands, the preparation of papers, and any other charges, shall be fixed by the Collector. The amount shall be paid under such rules as may from time to time be laid down by the Board of Revenue with the sanction of the local Government, and, in default of payment, may be realized under the rules applicable to the recovery of arrears of rent or revenue.

XV. At any stage of the proceedings after a partition shall have been ordered, if it shall appear from information which was not before the Collector at the time the partition was ordered, or otherwise, that any reason not inconsistent with the provisions of this Act exists why the partition should not be proceeded with, it shall be competent to the Commissioner, on the report of the Collector, and subject to any orders that the Board of Revenue may pass in the case, to stay the partition, and to order the proceedings to be quashed.

XVI. After the expiration of the period mentioned in the Notification referred to in Section XII of this Act, the Collector shall, if necessary, cause a measurement of all the lands comprised in the estate to be made, and a rent-roll of the same to be prepared. The village papers which are required to be prepared and periodically deposited in the Office of the Collector under the provisions of Sections XI and XII, Regulation IX. 1833 (*for*

modify certain portions of Regulation VII. 1822 and Regulation IV. 1828; to provide for the more speedy and satisfactory decision of judicial questions cognizable by Officers of Revenue employed in making settlements under the above Regulations; for enforcing the production of the village accounts; for the more extensive employment of Native agency in the Revenue Department; and to declare the intent of Section V, Regulation VII. 1822, touching claims to *Malikana*) may be used for the purposes of this Act. Provided that any of the proprietors shall be permitted to file a rent-roll of the estate, which shall be accepted if acknowledged to be correct by all the proprietors.

**XVII.** The Collector may examine the parties on solemn affirmation in regard to the papers produced before him, whether by the Officer appointed to make the partition, the proprietors, or otherwise. He shall also allow any shareholder to examine the papers so produced, and to take a copy of the same, and after such examination he shall hear any objections which any of the shareholders may make in respect to such papers. The Collector may direct any Deputy Collector or other Officer subordinate to him to examine the papers produced before him, and to make a report upon the same.

**XVIII.** The Collector, on the completion of the enquiry allowed by the last preceding Section, shall allow the parties the option of making a private partition of the estate and allotment of the public revenue amongst themselves, within such time as he may fix, or, if the parties shall not consent to make a private partition of the estate, or shall fail to make such partition within the time fixed by the Collector, the Collector shall call upon them to state whether they are willing to refer the partition of the estate and the apportionment of the public revenue to an arbitrator or arbitrators to be appointed by them. The Collector may also offer the parties the option of referring any point arising in the course of a partition to arbitration. The partition and allotment of the public revenue made by the parties, or by arbitrators appointed by them, shall be subject to the confirmation of the Collector, and the orders of the superior Revenue Authorities.

**XIX.** If the parties consent to refer the partition of the estate and the allotment of the public revenue or any point arising in the course of the partition to arbitration, but they cannot agree amongst themselves as to the arbitrator or arbitrators to be appointed, the Collector may appoint two or more persons to be arbitrators in the case. If the arbitrators are equally divided in opinion, the Collector shall act as umpire and the partition made by the arbitrator or arbitrators with whom the Collector shall concur shall be the partition in the case. The same rule shall apply in respect of any point arising in the course of a partition which shall be referred to arbitration.

**XX.** If any person, on being appointed an arbitrator, shall refuse to act, or, after accepting the appointment, shall die or become incapable of acting, another person shall be appointed arbitrator in his stead, in the same manner in which the first person was appointed.

**XXI.** After the arbitrators shall have accepted the appointment, the Collector shall transmit the whole of the papers to them, and it shall be competent to the Collector to exercise towards the arbitrators the same powers and authority for securing their attendance and the due completion of their award, which he is competent to exercise towards witnesses summoned before him, when acting Judicially, for the purpose of compelling them to attend and give evidence. The Collector shall also fix a time within which the arbitrator or arbitrators shall deliver the paper of partition. On sufficient cause shewn the Collector may extend such period.

**XXII.** The arbitrators shall deliver a full and complete paper of partition, specifying the separate estates into which they propose that the estate shall be divided, the names of the parties to whom the several estates are proposed to be allotted, and the amount of public revenue to be assessed on each of such estates.

**XXIII.** The arbitrators, on delivering the paper of partition as aforesaid, shall be entitled to reasonable fees for their services, the amount to be fixed by the Collector.

**XXIV.** If the paper of partition be not delivered within the time fixed by the Collector, or within any further period to which the time may have been extended, the Collector may order that the partition shall be referred to another arbitrator or arbitrators, to be chosen in the same manner and subject to the same rules as the first.

**XXV.** If the partition of the estate cannot be made by the parties themselves, or by arbitration, under the foregoing rules, the Collector shall appoint an Officer to make the partition, and shall forward the whole of the papers to such Officer, and shall direct him to proceed to the estate, and to make the partition within a time to be fixed by the Collector.

**XXVI.** The Officer appointed to make the partition shall issue a proclamation at the Moul-Cutcherry of the estate, or other conspicuous place thereon, or at the village Chaurie or Choupal, requiring the several proprietors of the estate to attend upon him in person, or by agent, during the time that the partition is being made.

**XXVII.** At the commencement of the revenue year current in the District, the Collector may direct the Officer appointed to make the partition, or some other person, to attach the estate, and to bring it under Khas management under the



personal superintendence of such Officer. The collections of the estate, after defraying the expenses of management, and any other expenses with which the estate is chargeable, shall be applied to the payment of the Government revenue, and the residue shall be divided amongst the proprietors in proportion to their respective shares, at such periods as the Collector may see fit.

**XXVIII.** If an arrear of public revenue shall accrue on an estate ordered to be divided, while the partition of the estate is being made, any one or more of the proprietors may tender to the Collector his or their quota of the balance, and the Collector shall receive the same, and credit the amount to the share or shares of such proprietor or proprietors. If a sale of any part of the estate shall ultimately become necessary for the liquidation of any part of such arrear which may remain due, only the share or shares of the proprietor or proprietors who shall not have contributed their quota of the balance shall be sold in the first instance, and the partition shall go on and be completed in the same manner as if no arrear of public revenue had accrued. The purchaser or purchasers of the share or shares sold shall be entitled to separate possession of the estate or estates which, under the partition, would have been allotted to the defaulting proprietor or proprietors. Provided always that, in all cases of a partition, the entire estate shall be considered responsible for the public revenue assessed upon it until the partition shall have been completed, and the several proprietors shall have been put into possession of the separate estates into which the estate may be ordered to be divided, according as the same may be allotted to them.

**XXIX.** If the Officer appointed to make the partition shall consider it necessary to assist him in making the same, to cause a detailed measurement to be made of all the lands comprised in the estate, or a map of the estate to be prepared, he shall exercise the same powers for making such measurement and map as are vested in the Collector by any law for the time being in force.

**XXX.** When some of the lands forming the estate are held in common, the Collector shall declare, by a proceeding to be held under the provisions of this Act, the principle and rule under which, in accordance with the village custom, such lands shall be divided; and he shall cause the partition of such lands to be made in conformity to the provisions of this Act. The portion of the common land falling by such partition to the shares of the several co-sharers shall be added to the lands held by them in severalty, and the several estates thus formed shall be assessed and declared separate estates. Provided that it shall be in the discretion of the

**Proviso.** Collector, to cause any transfer of lands agreed to by the parties to be made previous to such declaration, and the new estate shall be declared subject to the transfer so made.

**XXXI.** The Collector may refuse to declare any lands held in severalty, and not liable to re-distribution according to special village custom, a separate mahal, if the lands be so intermixed with other properties as to

render the formation of a compact estate impossible, and if the parties affected by the partition decline to permit of the transfers necessary for curing such defect.

**XXXII.** Where there may be no lands held in common, the lands in severalty held by the applicant for partition, or assigned to him by the Collector under the provisions of this Act, shall be assessed and declared a separate estate. Provided that it shall be in the discretion of the Collector, to cause any transfer of lands agreed to, or directed by his order, as provided in Section XXX, to be made previous to such declaration, and the new estate shall be declared subject to the transfer so made.

**Proviso as to transfers.**

to, or directed by his order, as provided in Section XXX, to be made previous to such declaration, and the new estate shall be declared subject to the transfer so made.

**XXXIII.** If any sharer, after the issue of the proclamation mentioned in Section XXVI of this Act, shall fail to attend the Office\* appointed to make the partition, during the time the partition is being made, no objection taken by such sharer to the partition shall be heard, unless such sharer can shew that his absence was not wilful, or unless for any good and sufficient reason it shall appear just and proper to allow him to be heard against the partition.

**XXXIV.** If, at any time after an order shall have been passed for making a partition, it shall appear, either from the report of the Officer appointed to make the partition, or from any other information, that the parties are not desirous that the partition should proceed, it shall be competent to the Collector, with the sanction of the Commissioner, to stop the partition, and to strike the

**Recovery of costs.** case off the file, recovering from the sharers all costs and expenses incurred up to that time.

**XXXV.** It shall be the duty of the Officer appointed to make the partition, so far as circumstances will admit, to take care that the estates into which the estate is divided shall consist of contiguous mehals or villages. Provided that if the estate ordered to be divided shall not consist of a sufficient number of villages to admit of one or more entire village or villages being included in each estate, the partition of the village or villages of which the estate shall consist shall be made so as to render each estate as compact as possible.

**XXXVI.** The public revenue shall be assessed on each estate into which the property shall be ordered to be divided, in conformity to the rules contained in any law for the time being in force.

**XXXVII.** In selecting the villages or lands to be included in each separate estate, the advantages and disadvantages arising from situation, the vicinity of roads, railways, navigable rivers, or canals, the nature and quality of the soil and produce, the quantity of culturable and unculturable waste land, the depth at which water may be procurable, the number of tanks and wells, the state of the embankments and water-courses, and any other local circumstances affecting the present, or likely to influence the future value of

the lands, shall be duly considered, and the villages or lands to be included in each estate shall be fairly and impartially selected. So far as may be practicable and consistent with compactness of partition, lands held in severalty shall be left in the possession of the parties holding the same.

XXXVIII. If a dwelling house belonging to one sharer shall be situate on any land, or in any village, which it may be necessary to include in the share of another sharer, the proprietor of such house shall be at liberty to retain it, with the offices, buildings, and grounds immediately attached thereto, upon agreeing to pay to the proprietor of the land or village in which the same is situate an equitable rent for the ground. The limits of the ground and the rent to be paid for it shall be fixed by the Officer making the partition, and shall be stated in the paper of partition.

XXXIX. Tanks, wells, water-courses, and embankments shall be considered as attached to the land for the benefit of which they were originally made. In cases in which, from the extent, situation, or construction of such works, it shall be found necessary to continue them the joint property of the proprietors of two or more of the estates into which the estate may be divided, the paper of partition shall specify, as far as circumstances may admit, the extent to which the proprietors of each of such estates may make use of the same, and the proportion of the charges for repairs to be borne by them respectively.

XL. Places of worship, which shall have been held in common previous to the partition of an estate, shall continue to be so held unless the parties shall otherwise agree amongst themselves, in which case they shall state in writing the agreement into which they have entered, and the Officer making the partition shall enter a note of the agreement in the paper of partition.

XLI. When the Officer appointed to make the partition shall have completed the partition, and allotted the public revenue on each of the estates into which it is proposed that the estate shall be divided, he shall prepare and submit to the Collector a paper of partition shewing how he proposes to divide the estate, and to apportion the public revenue. This paper shall specify the names of the Mehals or villages included in each separate estate, the gross produce of each Mehal and village for the three years immediately preceding the year in which the partition is ordered to be made, the names of the parties to whom the several estates are allotted, and the proportion of the public revenue proposed to be assessed on each of such estates, with any remarks regarding the mode observed in selecting the lands included in each estate, and the accounts upon which the apportionment of the public revenue assessed thereon shall have been based, as may be necessary for the information of the Collector. The paper shall further contain a detail of the adjustments, if any, which shall have been made in respect to any tanks, places of worship, or other matters, as specified in

the preceding Sections. The Officer appointed to make the partition shall also submit a map shewing the several estates into which the estate is proposed to be divided.

XLII. The Collector shall take into consideration the partition proposed by the Officer appointed to make the partition, and, after calling for any further information which he shall deem necessary, and disposing of any objections which shall be taken to the partition and allotment of public revenue as proposed by such Officer, he shall submit a report to the Commissioner, together with such of the papers of the case as shall appear to him essential. He shall also forward a list of the papers not sent. The Collector shall record his opinion whether the proposed partition should be confirmed or modified, and in the latter case he shall state the nature of the modification which, in his opinion, should be made.

XLIII. The Commissioner shall either uphold the partition proposed by the Collector, or modify the same. The decision of the Commissioner shall not be open to revision by the Civil Court, but shall be subject to appeal to the Board of Revenue. The Commissioner, before coming to a decision, may call for any additional papers, or direct any further inquiry that he shall consider necessary. He may also, if he think proper, direct that, when two or more of the estates into which it is proposed to divide the estate shall consist of the same proportions of the entire estate, the parties entitled thereto shall draw lots for the same before the Collector.

XLIV. On the receipt of the order of the Commissioner, or if an appeal be preferred to the Board of Revenue, then, of the order passed on the appeal, the Collector shall cause the same to be published in his Office, and in some conspicuous place in each of the estates separately constituted by such order. The Collector shall at the same time specify the date from which each of the estates shall be held to be a separate estate, and shall enter the several estates into which the estate has been divided in the Register of Estates paying revenue to Government. The Collector shall give the several proprietors possession of the estates allotted to them, and, if necessary, may avail himself of the assistance of the Magistrate in giving possession.

XLV. In order to prevent collusion or error in the distribution of the public revenue assessed upon an estate which may be ordered to be divided into two or more distinct estates, if it shall be proved to the satisfaction of the Government, within twelve years from and after the date of confirmation of the partition, that the public revenue was fraudulently or erroneously apportioned at the time of the partition, the Government shall have power to order a new allotment of the public revenue upon the several estates into which such estate may have been divided, conformably to the principles



prescribed in this Act, on an estimate of the gross produce of each estate at the time of the partition, to be made agreeably to the best evidence and information which may be procurable respecting the same. Such order shall not be liable to be contested in the Civil Court. The parties whose estates may be declared to have been under-assessed shall be required to pay to the proprietors of the estates which shall have been over-assessed the sum in which they shall be found to have been over-assessed, and in default of payment the amount shall be leviable by the process prescribed for the recovery of arrears of rent or revenue.

**XLVI.** If, during the time an estate is under attachment with a view to the partition of the same, any party shall neglect or omit to claim by a suit any right or title he may then have to the ownership or occupancy at a fixed rent of any land situated in such estate, or any other interest therein, such neglect or omission shall be a valid plea in bar of any suit relating to such right, title, or interest, unless the party can satisfy the Court that there was good and sufficient reason for his neglect or omission to institute the suit at or before such time. Provided that this Section shall not bar any action for arrears of rent, or the enhancement or alteration of rent.

**XLVII.** Whenever any Court of Civil Judicature shall pass a decree, awarding to any person the proprietary right in a portion of an estate paying revenue to Government, whether the portion so awarded shall consist of a fractional share in the whole or a part of the estate, or of specific lands, the decree-holder may apply to the Collector for a partition of the estate; and on the receipt of such application, the Collector shall proceed thereupon under the provisions of this Act, which are hereby declared applicable to such applications.

**XLVIII.** If two or more estates which may have originally formed portions of the same estate shall come into the possession of one person, such person shall be entitled to have such estates united, and to hold them as a single estate; or if two or more persons shall have separate possession of their respective shares of an estate which was originally held as a joint undivided estate, such persons may apply to have their shares united, and to hold them as one estate.

**XLIX.** The applications for the union of the estates, or of the shares of the estate, as the case may be, shall be made in writing to the Collector of the District in which the estates or shares of the estate are situate, and the Collector (provided he see no objection) shall comply with the application, and cause the necessary entries to be made in the records of his Office, reporting the case to the superior Revenue Authorities.

**L.** The provisions of this Act, so far as they relate to the completion and confirmation\* or to the staying or quashing of the partition of an estate, may be applied, at the discretion of the Collector, in all cases of the partition of estates pending at the time of the passing of this Act.

**LI.** The provisions of this Act may, in so far as the same are applicable, be applied by order of the local Government to the partition of any estate held free from the payment of Government revenue.

**LII.** In the performance of his duties under this Act, the Collector shall be subject to the general direction and control of the Commissioner of the Division, and the Board of Revenue.

**LIII.** All orders passed by a Collector under this Act, unless otherwise provided, not being orders or decisions within the meaning of Section IX, shall be open to revision by the superior Revenue Authorities.

**LIV.** The powers vested in a Collector by this Act may be exercised by a Deputy Collector, or other Officer vested with the full powers of a Collector, subject to the control of the Collector of the District.

**LV.** In carrying out the provisions of this Act the Collector shall exercise the powers described in Regulation II. 1819, Regulation VII. 1822, and Regulations IX. and XIV. 1825. Any Officer appointed to make a partition under this Act may also exercise the powers described in the foregoing Regulations, so far as the same may be applicable.

**LVI.** If, in any case in which a Collector or other Officer shall exercise jurisdiction under this Act, any person is guilty of the offence of giving or fabricating false evidence, or of forgery, as defined in the Indian Penal Code, or of abetting any of those offences, such Collector or other Officer shall have the same powers in respect of such offence, and of the person charged with committing the same, as are vested by the Code of Criminal Procedure in a Civil Court when any such offence is committed before or against such Court, or when a document charged to be a forgery is given in evidence in any proceedings in such Court.

**LVII.** In the execution of the duties vested in the Board of Revenue by this Act, the Board shall be guided by such orders or instructions as they may from time to time receive from the local Government, to whom they shall apply in all cases which shall appear to the Board not to have been provided for by the existing law.

LVIII. Unless there be something in the subject or context repugnant to such construction, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females.

LIX. This Act shall extend only to such parts of the North-Western Provinces of the Presidency of Fort William in Bengal as are subject to the general Regulations of that Presidency; but the Act may be extended by order of the local Government, either wholly or in part, to any Non-Regulation Province under such Government.

M. WYLIE,  
*Depy. Secy. to the Govt. of India,*  
*Home Department.*

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th March 1863, and is hereby promulgated for general information:—

ACT No. XX of 1863.

*An Act to enable the Government to divest itself of the management of Religious Endowments.*

WHEREAS it is expedient to relieve the Boards of Revenue, and the Local Agents in the Presidency of Fort William in Bengal, and the Presidency of Fort St. George, from the duties imposed on them by Regulation XIX. 1810 of the Bengal Code (for the due appropriation of the Rents and produce of Lands granted for the support of Mosques, Hindoo Temples, Colleges, and other purposes; for the maintenance and repair of Bridges, Serays, Kuttras, and other public buildings; and for the custody and disposal of Nuzzool Property or Escheats), and Regulation VII. 1817 of the Madras Code (for the due appropriation of the rents and produce of lands granted for the support of Mosques, Hindoo Temples, and Colleges, or other public purposes; for the maintenance and repair of Bridges, Choultries, or Chuttrams, and other public buildings; and for the custody and disposal of Escheats), so far as those duties embrace the superintendence of lands granted for the support of Mosques or Hindoo Temples, and for other religious uses, the appropriation of endowments made for the maintenance of such religious establishments, the repair and preservation of buildings connected therewith, and the appointment of Trustees or Managers thereof, or involve any connexion with the management of such religious establishments; and whereas it is expedient for that purpose to repeal so much of Regulation XIX. 1810 of the Bengal Code, and Regulation VII. 1817 of the Madras Code, as relate to endowments for the support of Mosques, Hindoo Temples, or other religious purposes; It is enacted as follows:—

I. So much of Regulation XIX. 1810 of the Bengal Code, and so much of Regulation VII. 1817 of the Madras Code, as relate to endowments for the support of Mosques, Hindoo Temples, or other religious purposes, are repealed.

II. In this Act words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Gender. Words importing the masculine gender shall include females.

The words "Civil Court" and "Court" shall mean the principal Court of Original Civil Jurisdiction in the District in which the Mosque, Temple, or religious establishment is situate, relating to which, or to the endowment whereof, any suit shall be instituted or application made under the provisions of this Act.

III. In the case of every Mosque, Temple, or other religious establishment to which the provisions of either of the Regulations specified in Section I are applicable, and the nomination of the Trustee, Manager, or Superintendent whereof at the time of the passing of this Act is vested in, or may be exercised by, the Government, or any public Officer; or in which the nomination of such Trustee, Manager, or Superintendent shall be subject to the confirmation of the Government, or any public Officer, the local Government shall, as soon as possible after the passing of this Act, make special provision as hereinafter provided.

Local Government to make special provision respecting Mosques, &c., in certain cases.

IV. In the case of every such Mosque, Temple, or other religious establishment which, at the time of the passing of this Act, shall be under the management of any Trustee, Manager, or Superintendent whose nomination shall not vest in, nor be exercised by, nor be subject to the confirmation of, the Government, or any public Officer, the local Government shall, as soon as possible after the passing of this Act, transfer to such Trustee, Manager, or Superintendent all the landed or other property which, at the time of the passing of this Act, shall be under the superintendence or in the possession of the Board of Revenue, or any local Agent, and belonging to such Mosque, Temple, or other religious establishment, except such property as is hereinafter provided, and the powers and responsibilities of the Board of Revenue and the local Agents in respect to such Mosque, Temple, or other religious establishment, and to all land and other property so transferred, except as regards acts done and liabilities incurred by the said Board of Revenue or any local Agent previous to such transfer, shall cease and determine.

Transfer to independent Trustees, &c., of all property belonging to their Trusts, &c., remaining in charge of Revenue Board or others.

V. Whenever from any cause a vacancy shall occur in the office of any Trustee, Manager, or Superintendent to whom any property shall have been transferred under the last preceding Section, and any dispute shall arise respecting the right of succession to such office, it shall be lawful for any person interested in the Mosque, Temple, or religious establishment to which such property shall belong, or in the performance of the worship or of the service thereof, or of the Trusts relating thereto, to apply to the Civil Court to appoint a Manager of such Mosque, Temple, or other religious establishment, and thereupon such Court may appoint such Manager to act until some other

Procedure in case of dispute as to right of succession to vacated Trusteeship, &c.

VI. Whenever from any cause a vacancy shall occur in the office of any Trustee, Manager, or Superintendent to whom any property shall have been transferred under the last preceding Section, and any dispute shall arise respecting the right of succession to such office, it shall be lawful for any person interested in the Mosque, Temple, or religious establishment to which such property shall belong, or in the performance of the worship or of the service thereof, or of the Trusts relating thereto, to apply to the Civil Court to appoint a Manager of such Mosque, Temple, or other religious establishment, and thereupon such Court may appoint such Manager to act until some other